

PP 1349.0.38
THE
PROCEEDINGS

AT THE

(3d)

SESSIONS of PEACE, Oyer and Terminer,

FOR THE

CITY of LONDON,

AND

County of MIDDLESEX,

ON

WEDNESDAY the 14th, THURSDAY the 15th, FRIDAY the 16th,
and SATURDAY the 17th of *July*.

In the 16th Year of His MAJESTY's Reign.

BEING THE

First SESSIONS in the MAYORALTY

OF THE

Right Hon. *George Heathcote*, Esq;

LORD-MAYOR of the CITY of LONDON.

LONDON:

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THE PROCEEDINGS

AT THE

Sessions of the Peace, and Oyer and Terminer,
For the CITY of LONDON, &c.

BEFORE the Right Honourable GEORGE HEATHCOTE, Esq; Lord-Mayor of the City of London, Mr Justice PARKER, Mr Justice WRIGHT, Sir JOHN STRANGE, Knt. Recorder, Mr Serjeant URLIN, and others of His Majesty's Justices of Oyer and Terminer for the City of London, and Justices of Goal Delivery of Newgate, holden for the said City, and County of Middlesex.

London Jury.

Edward Thornton,
Nathaniel Meakins,
Charles Pyner,
Walter West,
Henry Nash,
Christopher Phillipson,
Christopher Ford,
Nicholas Winkworth,
James Allen,
George Paskal,
James Innever,
Edward Northcot.

Middlesex Jury.

Walter Lee,
John Deschamps,
John Reynolds,
William Lewis,
Francis Rawlins,
John Sandwith,
Robert Harrop,
William Duck,
William Bouchier,
Edmund Stowell,
Thomas Whitehead,
Francis Tredgold.

1. **Bartha Leaver** was indicted for stealing three Silk Gowns, val. 30 s. a laced Mob, val. 3 s. and a Silk Handkerchief, val. 1 s. the Property of *Joseph Noble*, out of his Apartment at the Treasury, May 31. Guilty.

2. **Ann Bolloy** was indicted for stealing five Pair of Mens Leather Shoes, val. 5 s. the Property of *Mary Pope*, June 30. Acquitted.

3. **Bary Robinson**, otherwise *Bisse*, was indicted for stealing one Pair of Stays, one flowered Cotton Gown, a Leghorn Hat, a Flaxen Sheet, and two Waistcoats, the Property of *John Simpson*, June 23.

Elizabeth Simpson. This Day three Weeks I went out about 12 o'Clock, and left the Door of my Room double-locked, and when I came back I found it broke open; this Poker was at the Feet

of the Bed, and the Staple of the Lock in the middle of the Room. The Prisoner lodges on the same Floor, and this Poker belongs to her Room: she confessed she had pawned the Cotton Gown to *Mr. Matthews*, and sold my Stays to a Woman in the Street, for 4 s.

Richard Matthews. I know the Prisoner by the Name of *Bisse*, she brought this Gown to me and said it was her own, and when this good Woman came to ask for it, I brought it down.

Matthew Chesham. I bought this Waistcoat of the Prisoner about three Weeks or a Month ago. I showed it to *Mrs Simpson*, and she said it was stole. Guilty.

She was a second Time indicted, for stealing one Gold Ring, val. 8 s. one Diamond Ring with a Ruby Stone, val. 21 s. a Holland Apron, val. 2 s. and a Flaxen Sheet, val. 4 s. the Property of *Elizabeth Crachnell*, May 29. Guilty.

4 **William Fennymore**, of *St Martins in the Fields*, was indicted for stealing one Camblet Gown, val. 2 s. a Velvet Mantelet, val. 4 s. a Velvet Pilgrim, val. 6 s. and sundry other Things, the Property of *Elizabeth Finkell*, June 26.

Elizabeth Finkell. I lost the Goods out of my Lodging, in *College-street, Westminster*. I had been in the Country for a Month, the Prisoner is a Carpenter, and worked at next Door, he had the Keys of several Houses; when I came home, I missed my Things, and upon Enquiry, the Neighbours told me he had been several Times in the House, and had let himself in: I had him taken up, and he confessed he had been in my Lodging two or three Times, and owned the taking all the things in the Indictment; he said he had lodged them in a Friend's Hand, he sent to his Friend, and they were brought.

George Rainford, Constable. He owned he had taken all these Things, and sent his Wife for them, Guilty.

5. *Elizabeth*

5. **Elizabeth Parsons**, of *St John Wapping*, Spinster, was indicted for stealing 23 Pieces of Gold Coin, called Guineas, the Property of *Richard Staples*, June 21. And,

6, 7. **Elizabeth Millinton** and **Ann Wright**, that they, the said Money, did feloniously take and carry away; knowing the same to be stolen.

Jane Staples, Wife of *Richard Staples*. Three Weeks ago, last *Monday*, I lost 23 Guineas out of a Drawer, in the Room where I lay. I taxed *Elizabeth Parsons* with it, she is my Apprentice, I asked her how she came to take them, or who persuaded her to it; she stood very strongly in it, from *Monday Morning* till *Tuesday Night*, that she knew nothing of them; then she confessed she took them, and that *Elizabeth Millinton* persuaded her to it, and that *Mrs Millinton* should say, let me put my Hand into the Bag myself, and then you can say you did not take it. And at this Juncture *Ann Wright* came and cried out, oh! have I caught you; whereupon *Millington* said, we must give *Wright* a Guinea, or else she will blow us; and she had a Guinea.

2. Did you make her any promise of showing her Favour, if she confessed.

Staples. I told her if she spoke the Truth, I believe it would be the better for her. — I could make her no Promise. — *Dawson* proved she confessed it before Justice *Dennet*. Guilty, 39 s.

Millinton and *Wright* acquitted.

8. **Thomas Bunn**, of *Stoke Newington*, was indicted for breaking open an Out-House belonging to *Mr Edward Newins*, and stealing from thence three Fowls, val. 3 s. June 5. Guilty 10 d.

9. **Jonathan Tims**, was indicted for stealing a Linnen Sack, val. 2 s. the property of *John Stockall*. Acquitted.

10. **Richard Hill**, of *St. Alban Woodstreet*, was indicted for stealing one piece of Gold Coin of *Portugal*, val. 18 s. three pieces of Gold Coin, called Guineas, val. 3 l. 3 s. one half Guinea, val 10 s. 6 d. and 4 s. 6 d. in Silver, the Property of *John Ward*, June 20.

John Ward. I live at the Bird-Cage the corner of *Woodstreet*. On the 21st of *June* I missed some Money out of a Drawer, I cannot justly say how much. I can take upon me to say 2 Guineas positively. — I had counted the Money the Night before, and there were near 50 Guineas. The Drawer was not broke open. I found the Prisoner had Money, and that he had bespoke a new Suit

of Cloaths, and a Wigg; I went to the Master he lived with before, to inquire if he knew of his having any Money, he told me he believed he had none, for that he had borrowed half a Crown to buy a pair of Shoes. On *Monday* I took him into a Room with two or three Neighbours, and put it close to him, and he immediately confessed he had robbed me, desired his Box to be brought down, took his Key and opened it, took the Money out, and said, This is the Money I took from you last *Sunday Morning*.

Prisoner. I had not all the Money he mentions, for I had Half a Guinea and three Sixpences of my own.

2. Had he any promises of Indulgence before he confessed; for the Jury will consider that.

John Ward. I hope the Jury will consider him, for he has lived 16 Years with my Wife's Father, and I believe it is the first Fact. Acquitted.

11. **William Clayton**, of the Parish of *All-hallows Barkin*, was indicted for stealing one Pound and a Quarter of Tobacco, the Goods of *Jonathan Forward*. Guilty.

12. **James Baccop**, of *St. Giles's in the Fields*, was indicted for stealing one Cloth Waistcoat, val. 3 s. 1 Cloth Waistcoat, val. 4 s. 1 Cloth Waistcoat, val. 5 s. and 1 Cloth Waistcoat, val. 6 s. and other wearing Apparel, the property of *Joshua Bradock*.

Joshua Bradock. I keep a Slop-Shop in *Monmouth-street*, I have lost several Goods, some of which I have redeemed out of Pawn; the Prisoner was my Servant, and went away the 30th of *May*; I took him myself over-against *St Giles's Church*, about a Fortnight ago; he was carried before Justice *De Veil*, and did not then deny the Robbery, but desired Mercy. These are some of the Goods, they were found at *Mr Stone's* in *Long-Acre*, they are my Goods.

John Balderston. I am Servant to *Mr Stone*; the Prisoner at the Bar is the Person who brought me these Goods. I made a private Mark on them to know them again.

George Stringer. I never saw him in my Life before I saw him at *Col. De Veil's*, he confessed the bringing that Waistcoat to my House, he made no Defence, only desired Mercy.

Prisoner. I was quite confounded at that Time; I did not know what I said, no Body can say I ever wronged my Master of any thing. Guilty, Felony.

13. *John Young*, of *St Martin in the Fields*, was indicted for assaulting *Martha* the Wife of *George Washington*, near the King's High-way, putting her in Fear, and taking from her a Leather Pocket, val. 1 d. and 42 s. in Money, the Goods and Money of *George Washington*, June 30.

Martha Washington. I was going down *Denmark Court*, and the Prisoner *Young* came upon me on a Surprise, put his Hand down my Bosom, and took out a Leather Pocket, in which was 42 s. and gave it to another Man; there was a Woman with them, and she cried out, Cut her Throat; no says he, I will not cut her Throat, I have got her Money, and she can't go to Law with us now. I did not hear the Man he gave the Purse to make any Answer.

Q. Have you been any Time acquainted with me?

Washington. I have known him a good while, he kept the *Bull and Butcher* in *Clare-Market*; I gave him a Groat for roasting a Green Goose for me, and he cut the Wings off. I know him to be the Person who robb'd me; I am sure of it, if I was this Minute to die, I would swear it.

Q. Did I come before or behind you?

Washington. I cannot say which, he came upon me all on a sudden.

Q. How far was the Purse down your Stays?

Washington. It was but a little way down, for I am pretty loose, and cannot go strait-laced, he laid hold of me on the Shoulder before he took the Money, then he run his Hand down and took it out, and then gave it to the other Man.—I think he laid hold on my Shoulder first, I cannot say he hurt my Flesh.

Q. Was you under any Surprise when he took hold of your Shoulder?

Washington. I was under some Surprise to have some Body lay hold of my Shoulder, and see a Man behind me and know nothing of it.—

Q. Do you always put your Money in your Bosom?

Washington. I generally do.

Q. Did not you declare before Col. *De Veil*, that the People met you, and did not come behind you, but before you?

Washington. No. For I cannot be certain which.

Q. Did not you offer before Col. *De Veil* to make this Matter up, and give him a general Release?

Washington. No, I never did, I will abide by that, I will till the Day I die. It was about 10 o'clock at Night.

Prisoner. I leave my Defence to those Persons who were at Supper with me that Night, and staid till Eleven o'Clock; this is done out of Spite; I was informed against by her, for selling of spirituous Liquors, whereby I incurred the Penalty of ten Pounds. She has rioted me, and swore she would have my Life a great many Times.

Joshua Brogden. I went to Col. *De Veil*'s Clerk to get a Warrant against the Prosecutor, for obstructing the Prisoner in the Execution of his Office as a Bailiff, and had a Warrant against her. The Prisoner did afterwards indeed agree to give a Release, for I told him he had better do it: When she came to charge him with the Robbery, *Young* brought half a Score Witnesses, who could swear he was in his House all Night, till about Eleven o'Clock.

— *Saltmarsh*. I was at *Young*'s House from Half an Hour after Nine, I am positive, to half an Hour after Ten that Evening, and *Young* was not out of the House; 'tis in *Eagle-Court*, facing *Somerset-House*. And from thence to *Denmark-Court* is about as far as from hence to the End of the *Old-Baily*.

— *Tooley*. I was in Company at *Young*'s House on *Wednesday* the 30th of *June*, this Day Fortnight at Supper on Mackarel; I went there at half and Hour, or a Quarter of an Hour after 9, and staid till near 11. The Prisoner was there all the Time.

Jonathan West. I was there from half an Hour after Nine till near Eleven, he was there all the Time, there were some Women a scolding, yet he would not go out, but said, D——n the Women they are always a scolding; I heard the Prosecutor say the same Day the Robbery was committed, D——n you, you Dog, I will be revenged on you.

Mrs Biggs and *Mrs West* confirmed the above Evidence.

Stephen Scot. The Prosecutrix is a wicked vile Woman, she said *Young* had used her ill in saying she had inform'd against him for selling of Gin, and wanted to have a Warrant for him, I think it was this Day Fortnight, but said nothing of robbing then.

— *Halfpenny*. I heard her threaten *Young*, and say if she could not hang him herself somebody else should.

Martha Washington desired to call some Persons to her Character; *William Salisbury* and *Elizabeth Poet* had known her 12 or 13 Years, and never knew any harm of her. Acquitted.

14. *Margaret Davis*, of *St Martin's in the Fields*, was indicted for stealing 5 Pair of Women's Shoes, val.

val. 15 s. the property of *Christian Crul*, in the Shop of *Christian Crul*, June the 5th.—

Anne Crul. I did not see her take them, but I suspected she had got something, I followed her out of the Shop, brought her back, and took the Goods upon her.

Anthony Harrison. I saw my Neighbour follow her up the Court, and then come back again with her, and pull a Bundle from under her Cloak. Guilty, Felony.

15. *Sarah Bzetland*, was indicted for stealing a Pair of Cloth Breeches, and a Shirt, val. 4 s. the Property of *George Dunbar*, July the 1st. Guilty 10 d.

16. *Elizabeth Elmes*, of *St Martin's in the Fields*, was indicted for stealing a Pewter Gallot Pot, the Property of *William Cleaver*, July the 6th. Guilty 10 d.

17. *James Rowland*, was indicted for stealing a Silver Watch, val. 30 s. and a Handkerchief, val. 18 d. the Property of *John Bryers*, July 2.

William Bryers. On July 2, about 11 o'Clock, when I came Home to Mr *Vincent's*, some Carpenters who were at Work said, I believe your young Man has given you the Slip.—The Watch when I saw it last hung up in my Room, but when I went up it was gone. The Prisoner was the next Day brought before Justice *Morrice*, and then confessed he took it.

John Clack. I have known the Prisoner two Years, he came and sold this Watch to me on Friday the 12th Instant for 37 s. he owed me 30 s. so I gave him 7 s. I asked him whether it was his own, he said yes. Guilty.

18. *Ann Bannack*, of *Fulham*, was indicted for stealing 20 s. in Money, out of the Drawers of *William Mascall*, June 2. his Property.

William Mascall. I was Collector of the Toll at *Fulham Bridge*, this Woman fate down upon the Step and said she was waiting for somebody that was coming over the Bridge, it was about 12 o'Clock at Night; I laid down upon the Bed and fell asleep, she took the Key out of my Pocket, opened my Drawer and took out 20 s. which was in a wooden Piggion. About 5 Weeks after she came to the same Place at *Fulham*; I charged her with taking it, she took me on one side, own'd the taking of it, and said she would pay it one Shilling per Week, she agreed to stay in the Toll Room; in the Morning I brought her before Col. *De Veil*, she said it was the first Fact, and that she was guilty.—The Prisoner in her Defence intimated that the Money

was given her to permit Freedoms, to which however she would not consent; but had no Evidence to support it. Acquitted.

19. *John Wilkinson*, was indicted for stealing one Pair of Blue Worsted Men's Stockings, val. 2 s. June 8. Guilty 10 d.

The Jury recommended him to the Favour of the Court on account of his Youth.

20. *William Rusdell*, of *St Margaret Westminster*, was indicted for assaulting and ravishing *Sanders Ann Parsons*, of the Age of eight Years, and under the Age of ten Years; and against the Will and Consent of the said *Sanders Ann Parsons*, carnally knowing the said *Sanders Ann Parsons*, &c.

Elizabeth Marshall. May 31, I went into a House with this young Man, *Rusdell*, I saw *Sanders Ann Parsons*, and the Prisoner, upon the Bed together; her Cloaths were up, and his Breeches were unbutton'd and down, and he was upon the Child; he bid the Child get off the Bed, and the Child did, and then he also got off.—I saw nothing else while they were upon the Bed; when the Child got off the Bed she said, Oh! what have you done, you have pulled up my Cloaths, and tore my Cap off.—She got off the Bed before him. I asked him what made him do so, and he made me no Answer.—She complained of nothing else, but that he had pulled up her Cloaths and tore her Cap off.

Mary Parsons. When I heard of this Misfortune on the 7th Day of June, I carried the Child to Mr *Edmonds* the Surgeon, to know whether he had done her any Damage.—I did not know of it till a Week after it was done.—I asked her before I went to Mr *Edmonds* how it happened, and what she did there? She said nothing to me about it.—Mr *Edmonds* and his Servant both examined the Child: Mr *Edmonds* shook his Head, and said it is very proper the Fellow should be secured.—He said the Child had received Damage enough, for he had made a very great Attempt upon her. I carried her down again by his Order, on the Friday following, and he looked upon the Child again, and gave me a Box of Ointment, to anoint the Child in the Place where he said the Child was affected, that is all I can say of the Matter.

William Harvey. I am Apprentice to Mr *Edmonds*, and was present when the Child was brought, June the 7th, in the Morning, the Woman complained that the Child had been misused, and desired the Child might be examined; so my Master and I both examined the Child, and externally there were very great Bruises all over the Part; and internally, there was a large Excoriation, and a

great Inflammation attending the Child, and 'twas evident there had been a great Attempt made upon her.—This Excoriation and Inflammation might be occasioned by an external Attempt upon the Body of the Child.—I made an Observation when the Child was brought again on *Friday*, that by the Application of the Medicines given her, the Child was better. Acquitted.

21. *Mary Shirley*, of *St Bartholomew the Less*, was indicted for feloniously stealing 14 Ells of Linen Cloth, called Washed Dowlas, out of the Shop of *Thomas Setcole*, June 8.

Mr Setcole. The Prisoner at the Bar came into my Shop, in *West-Smithfield*, the 8th of *June*, between the Hours of five and six, and she pretended to buy some Holland; her Behaviour during the Time she was in the Shop, gave me a Suspicion of her; when she went out, one of my Servants was ordered to go after her, but *Mr Walker* being in the Shop, offered his Service and followed her; while she was gone, I searched whether I had lost any thing, and missed a Piece of washed Dowlas; and in less than about 10 Minutes, *Mr Walker* brought her back with the Cloth under her Arm; she came running into the Shop with the Cloth, and threw it down where she had been sitting. She was carried before *Sir Robert Godschall*, she owned the Fact privately to us before, but did not own it before *Sir Robert Godschall*.—She said it was the first Fact she had committed.

Q. Did your Servant show her the Cloth or yourself?

Mr Setcole. My Servant. She had agreed for three Ells of it, and paid one Shilling in part.

James Walker. I was in *Mr Setcole's* Shop the 8th of *June*, and saw the Prisoner at the Bar, bargaining with *Mr Setcole's* Servant for some cloth; as soon as she went out of the Shop, *Mr Setcole* said he was afraid she had taken some Cloth; he talked of sending a Servant to follow her, and I said I would follow her myself, which I did, and at the End of a Court, there was a Door, at which she went in and shut the Door; I immediately opened the Door, and saw her Petticoats up, and the cloth then coming from under them. I took hold of her, and told her, Madam,—I called her Madam, because she was dressed in a fine damask Gown, and fine Cloaths.—Madam, said I, you must go with me to *Mr Setcole's* the Draper, from whence you came; she immediately took the Cloth and put it under her Arm, and came along with me; coming thro' the Cloysters, she fell down upon one Knee and dropped the Cloth, I

suppose with Design of leaving it, but she took it up and brought it with her, then I saw her go into *Mr Setcole's* Shop, she gave a little sort of a run, flipp'd into the Chair, threw the Cloth down, and threw another Piece of Cloth which was upon the Counter, upon the Piece which she brought in with her, and had thrown down before; immediately I took up that Piece of Cloth which she had under her Arm, and brought in and threw upon the Ground, and asked *Mr Setcole*, is that your Cloth? for that was the Cloth which that Woman took from under her Petticoats and brought under her Arm.

Q. Did you make a Mark upon it?

Walker. I did not.

Setcole. This is my Cloth.

Q. Have you any Mark by which you know that to be your Property.—

Setcole. Yes! the Mark is upon it now.—This is the Mark.

Walker. I took her into the Counting-House, and sat with her about half an Hour, while *Mr Setcole* sent for a Constable; and she begged hard that I would not send her before my Lord Mayor or any Magistrate, that it was the first she ever committed, and had 4 Children.

Q. Did you make her any Promise of Favour?

Walker. No:

Q. Did you, *Mr Setcole*?

Mr Setcole. No. I told her I would do her Justice.

James Mabbs. On the 8th of *June*, the Prisoner at the Bar came to *Mr Setcole's* Shop, under pretence of buying some Holland. I shewed her several Pieces, whereof we agreed for one: at the Time we were agreeing, I observed that she had something under her Coat, sometimes shuffling, as if she had something she was afraid should drop, by which I immediately imagined she had robbed us of a Piece of Cloth; after we had agreed for the Holland, she desired me to cut off three Ells, which I did, and put it into a Paper for her, and she gave me a Shilling Earnest; as soon as she was gone, we all agreed that she had taken something, and intended to send a Servant after her, but *Mr Walker* being in the Shop, he offered to go, and in ten Minutes Time she came back with the Piece under her Arm; she sat down in a Chair in the Shop, and flung the Piece of Cloth down upon the Ground, and endeavoured to pull another Piece of Cloth off the Counter to smother it, that I should not know which it was: In the Time that she was gone, I missed a Piece of Cloth, and found that Piece which I took up to be the same Piece which I before had missed

missed. — She desired my Master to forgive her, and offered to go down upon her Knees if he would let her go, but we are so much troubled with these Customers, he thought proper to do her Justice.

William Ford, Constable. Mr *Setcole* came to my House and told me he had lost a Piece of Cloth, and that he had detected the Woman in the Fact, and desired me to come and take Charge of her; she begged I would endeavour to make the Affair up, and she would send for Friends and make Satisfaction, that she had 5 Children and desired me to make it easy.

The Prisoner, in her Defence, said she went into the Court to make Water.

Walker. I saw no Water. — I saw her pull this Piece of Cloth from under her Coats. — She very willingly came along with me; she was dressed in a very fine Manner. — I did not lead her along, for I was not afraid of her getting away.

Q. Have you not several Pieces of Cloth with the same Mark? —

Setcole. Yes, but there were none such upon the Counter.

Prisoner. I have a great Number of Witnesses to my Character.

Thomas Palmer. I know her and her Husband very well, they have three or four small Children, her Husband is an honest Man, a Perriwig-maker. I have known her four or five Years. — I do not think she would do such a Thing.

Mary Wilson. She is a Seamstrix. I have worked for her. I never saw, or heard, any thing amiss of her. She has three small Children.

Ann Crawen. I have known Mrs *Shirley* for about 2 Years, I have worked Plain-work for her. She is an industrious Woman, and works hard for her Living. I never heard any harm of her, she bears a very good Character.

Mary Bates. She is a very honest Woman, and paid me very justly for what she had of me, and works hard for her Children. I never heard a bad Character of her, which made me the more surprised when I heard this.

Mary Kew. I have nursed her 2 Children, and she always paid me honestly. I never knew any harm of her, she is a House-keeper, and lives by *Eagle-street*.

William Hughes. I have known the Gentlewoman about 4 or 5 Years, I never knew but she was an industrious Person, and always worked for her Bread,

James Gillingham. The Woman has made Shirts for me, I never heard any thing of her but what

was very honest, I never heard but that she had a good Character.

Thomas Singleton. I have known her a Year and an Half, she has behaved honestly to me, and I never heard she had a bad Character. Acquitted.

22. *Mary Terry* otherwise *Rhodes*, of the Parish of *St Catherine's*, was indicted for that she not having the Fear of God before her Eyes, &c. on the 30th Day of *June*, in the 16th Year of His Majesty's Reign, in and upon the Body of one *John Hussy*, otherwise *Husday*, did make an Assault, and with a certain Razor of the Value of 1 Penny held in her Right-hand, upon the Throat of the said *John Hussy*, otherwise *Husday*, did give him one mortal Wound of the Length of 5 Inches, and the Depth of 2 Inches, of which Wound he instantly died.

She was likewise charged on the Coroner's Inquest for feloniously slaying the said *Hussy*.

At the Prisoner's Request the Witnesses were examined apart.

Rebecca Holder. On the 30th of *June* I had been making merry with my Friends, it was my Birth-Day, I was then 26 years of Age. As I was coming over *Tower-Hill* I met the Prisoner, she lodged in a House that I was Servant at, one *Richard Dyer's*, She asked me to drink, I told her I had but three Half-pence and I would spend it with her, so we drank a Pint of Beer; we met a middle sized Man, and he said to her *Molly* how do you do, and they began to talk very lovingly together, and I sat down at the Door of the *Hamburg Arms* and drank a Pint of Beer; I said I could not stay, she desired me to stay a little; she went into her Lodging which was just by, and stay'd better than a Quarter of an Hour, I was tired with waiting, so I goes up Stairs, and calls, *Molly*.

Q. What Room did they go into?

Holder. They went into a Room two Pair of Stairs backwards. I went up Stairs and heard a very great Debate, as if he had lain with her, for she asked him for a Shilling; I was then at the Door where they were. I came down again, In about 10 or 12 Minutes, or a Quarter of an Hour, I saw the Prisoner holding a Hat under his Chin to his Throat, and he bleeding into it, the Man was standing thus, the Head leaning a little forward.

Q. What Sort of a Hat was it?

Holder. It seemed to be an old Hat.

Q. Was it a Man's Hat, or a Woman's Hat?

Holder.

Holder. A Man's black Hat. With that I said to her, *Molly*, what are you about? *Molly*, said I, how can you be so barbarous?

Q. What Reason had you to believe it was her Barbarity?

Rebecca Holder. At first I asked her, how she could be so barbarous as to let me stand so long at the Door when I have no Money in my Pocket? And when I saw the Man bleeding, then I asked her, how she could be so barbarous to murder the Man? She said, if I knew the old Rogue so well as she did, I would not call her barbarous; but she desired I would not take any Notice of it. She has never been at home since. I call'd upon one *Ann Hyam*, in *Grub-street*, and told her, I was very much shock'd to see the Thing.

Q. Was the Man alive when you saw him bleeding and the Hat under his Throat?

Rebecca Holder. I cannot tell, I did not go in to see; I run down Stairs very much surprized—I saw not the Man afterwards. The Prisoner's Right-hand was bloody, her Apron and Neck-Handkerchief were both bloody.—I never saw her after that Night.—I was last *Monday* before the Coroner.

Prisoner. Why did you not make a Declaration of this sooner?

Rebecca Holder. Because I have heard, by all Accounts, she was a wicked, vile Creature, and I was afraid of my Life.

Prisoner. Did you ever live with one *Glass* on *Tower Hill*?

Holder. I never lived with any Body there.

Ann Hyam. I know nothing of the Prisoner, but what I had from *Rebecca Holder*, the Prosecutrix. On the 30th of *June*, the Prosecutrix came to my Lodging, said she wanted to speak with me, and begged I would let her in, she said, she had been a Merry-making with some Friends, on account of her Birth day, that coming over *Tower-hill*, she met the Prisoner, who asked her, whether she would go and drink a Pint of Beer? Which they did; that they met a Man, and the Prisoner and the Man went up Stairs into her (the Prisoner's) Lodgings, that she desired her to stay, and she would come again presently. That she went into a House on *Tower-hill* to drink a Pint of Beer, till she came down: She thought she staid a good while, so went up Stairs, and heard a great many Words pass, as if they had differed; that some time after that, she looked into the Room, and saw a Man bleeding very plentifully at the Mouth and Nose. I advised her to go before a Justice and make a Discovery, but she did not go for some Days.

Q. Do not you know who this Man was?

Ann Hyam. No: I never saw the Man in my Life.

Elizabeth Portington. On the 30th of *June*, about 10 or 11 o'Clock at Night, the Prisoner came to my House, and asked, if she could lie there; I told her, I could not accommodate her. I asked her, What she had been about? One of her Hands was bloody, her Apron and Neck-Handkerchief a little splashed, she said she had been in a Quarrel; she desired I would not speak of it, nor take any notice that I saw her, and then went away.

Prisoner. Were you never a Witness in any Cafe for Mrs. *Ivers*?

Portington. I never was that I remember.

Court. This is a solemn Transaction, pray recollect your self.

Portington. I cannot say that I was a punctual Witness.

Court. The Question was, Whether you were not a Witness upon any Occasion?

Portington. Not that I remember.

Prisoner. Had you never an Oath administered to you?

Portington. No; I never had.

Prisoner. Was not you a Witness for her once in *Doctors-Commons*?

Portington. Yes, once she took me there about some Money.

Court. Did not they give you an Oath upon this Occasion?

Portington. I was asked Questions, and laid my Hand upon a Book.

Prisoner. Was not you a subscribing Witness to a Will for Mrs. *Ivers*?

Portington. No; I never was.

Edward How. I saw a Man lying dead, with his Throat cut, in a Room up two Pair of Stairs backwards, on *Friday, July 2*, in that House which was formerly the *Blue-Anchor*, by the Ditch Side, on *Little-Tower-Hill*.—I do not know any thing of the Woman.

[*R. Holder called again.*]

Court. You say, *Holder*, that when you went up Stairs, you saw her holding a Hat under his Chin, and the Blood running into it; in what Position was the Body, was it lying or sitting?

Holder. It was standing upright, in this manner; [*leaning her Head a little forward*] by the Debate there was between them, I suppose he had lain with her, and that she wanted some Money of him, because she said, he was not so good as his Promise.

Q. Where

Q. Where was you when you saw this ?

Holder. I was at the Landing-place, just by the Door. — The Door was a-Jarr, not open, — There was no Bed in the Room ; there was something of Flocks or Feathers lying in an odd manner, and an old Waistcoat.

Q. When you saw this Man thus bloody, did you hear any struggle between them ?

Holder. No ; but she had called him old Rogue, and Son of a B——h.

Q. Did not the Man cry out ?

Holder. No.

Prisoner. My Lord, these People have often been concerned in forging of Seamen's Wills and Powers ; I had given an Information against 14 Persons, which was made before Justice *De Veil* ; I am the unhappy Widow of that *Rhodes*, who was executed on *Monday*, for being concern'd in these Practices ; they have lodged this Indictment against me to take away my Life, to prevent my giving Informations. I have seen so much of the Wickedness of these Things, that I went and made a voluntary Confession ; for that Reason they seek my Life ; they have threaten'd it several Times.

William Wintz, Deputy to Mr *King* the Coroner. On the 3d of *July*, I went with my Inquisition to view this Body, in a House by *Tower-Ditch* ; up two Pair of Stairs in a Back-room, there was a Body lying with the Head almost cut off, a Hat full of congealed Blood, and a Razor all bloody. — There was not one Spot of Blood on the Floor, which makes me conclude the Murder was not committed there. I got a Candle to examine the Floor though it was light enough ; but I was willing to be thoroughly satisfied : The Head lay upon a Heap of Rubbish, I turned the Head aside, to see if there was any Blood under it, and moved the Rubbish with my Foot, but there was none, which must have been if he had been murder'd there ; they likewise viewed every Room in the House, and could find no Blood in any of them. — I do not think that the Man was murdered in that House, for there must be more Blood come out of a Body than the Quantity that was in the Hat ; and the Room did not appear to have been washed lately.

Coroner. The Man that was murdered sold Sticks upon *Tower-hill*, his Name was *John Husday*, — he used to lodge sometimes in one House, and sometimes in another, at 2 d. a Night.

Prisoner. I had made an Information about 12 Months ago about forging of Wills, and there are many that do these Things to wrong Widows and Children ; but if it please God I live to come out, I will make a Discovery of all that I know.

[Holder call'd again.]

Court. Consider what it is to swear against a Woman when her Life is at stake, why did not you go and give an Information of this ?

Holder. I was afraid of this *Mary Terry*, — but I did discover it afterwards. I am a poor working, honest Woman, and can bring People to my Character.

Court. It is an unreasonable Thing to suppose, that you should see a Man standing up, and bleeding into a Hat, with his Throat cut, and not cry out murder, and give an account of it directly. Acquitted.

23. *Thomas Brannon*, of *St Botolph Aldgate*, was indicted for stealing a Pair of Shoes, val. 3 s. the Property of *Joseph King*, *June 16*. Guilty 10 d.

24. *Mary Donoho*, otherwise *Davison*, was indicted for stealing 4 Guineas, and 17 s. 6 d. in Silver, the Property of *Adrian Hannor*, *Feb. 10*.

Hannor. On the 10th of *February* I was robbed, between 6 and 7 o'Clock, of four Guineas and 17 s. 6 d. in Silver, in the Middle-ward, in the *Poultry-Compter*. I am a Debtor there, my Money was in my Breeches under the Quilt ; she got her Discharge and went away the same Evening. I was very sick in Bed. She was brought into the *Compter*, *July* the 1st, for stealing Fustic. I asked her, How she could rob me ? She confess'd it, and told me, she was persuaded to it by — *Brown*, and — *Macdonald*.

William Vere. On or about the 10th of *February*, I, the Prisoner at the Bar, and the Prosecutor were all Prisoners for Debt, the Prosecutor was then sick, and attended by the Prisoner as a Nurse ; she was brought in here again the 1st of *July*, I ask'd her, How she could be so barbarous as to rob the Prosecutor when he was sick, in distressed Circumstances, and a Wife and four Children to maintain ? She said, she was persuaded to it ; but if he would make a Debt of it, she would give him her Husband's Will and Powers.

William Mitchel. That Time she was brought in Prisoner, she own'd she had pick'd Mr *Hannor's* Pocket of the Money, and begg'd I would persuade him to make a Debt of it. Guilty.

25. *William Jackson*, otherwise *South*, was indicted for stealing four Yards and a Quarter of Silk, out of the Shop of *Abraham Kitson*, the Property of the said *Abraham Kitson*, *July, 1*.

Agnes Kitson. Cavenagh, and the Prisoner, came into my Shop, in *Aldersgate-street*, and asked for some Handkerchiefs, I took down a Parcel and show'd them, and then more; they were very difficult, bid me less than they cost, and went out of the Shop: I miss'd the Goods immediately, went to the Shop-door, and said, those Men have robb'd me; they were pursued and brought back; I am sure these are the Goods which were show'd to them; they are Handkerchiefs, there are 3 in one Piece, and 2 in the other; when they came back I said, I will have you search'd, for you have robb'd me. The Prisoner at the Bar, open'd his Breast and bid me search, and so did the other.

Prisoner. I offer'd her 5 s. for two Handkerchiefs, and she asked but 5 s. 6 d.

Christopher Baker. On the 1st of July, I was sitting in Mrs Coleman's Shop, under which is a Cellar, I saw that Man and *Lot Cavenagh* go by the Door, it was not long before they came back again; I saw one of them make a Motion with his Hand, and within a Minute after, a Girl said, Lord, there is a Piece of Silk in our Cellar; then said I, go down and fetch it, and the Girl did, and Mrs *Kitson* said, the Goods were her's.

*Lot Cavenagh**, The Prisoner and I made an Agreement to go into this Gentlewoman's Shop, to cheapen some Handkerchiefs, and take away as many as we could; she showed us several Parcels, and we came pretty near the Price.

Q. Did he take them or you, if you really took them, do not be ashamed to own it?

Cavenagh. He took both the Pieces, and put them into his Bosom.

Prisoner. My Coat was open at that time.

Cavenagh. He put them between his Waistcoat and Coat, his Coat was button'd. When we had got about 40 Yards from the Shop, two Men laid hold on us, and brought us back; as we were coming back, *William South* threw the Handkerchiefs into a Cellar.

Prisoner. I am but a Stranger, having been but about 6 Weeks in Town; I was recommended to a Gentleman's Service, but was disappointed; I thought of returning to *Ireland*, and was going down *Aldersgate-street*, to see when the Waggon went out, I met this Gentleman, and he said, he was going to buy a couple of Handkerchiefs, so I went into the Shop with him.

Cavenagh. He propos'd going into the Shop first;

we are Countrymen, I have not seen him before for 8 or 9 Years.

Jane Ealy. I keep a House for Lodgers. I have known the Prisoner about 6 Weeks, he came from *Ireland* directly to my House, and has behaved very well.

John Powell. I have known him ever since he was 8 or 9 Years of Age; he was bound Apprentice to an Apothecary in *Ireland*, and came here to see his Aunt.

Ann Robinson. I have known him ever since he lodged in my Mistress's House, he always kept good Hours.

Eleanor Morel. I have known him about 5 Weeks here, and some Years in *Ireland*, his Father is dead, he was an Apprentice to an Apothecary in *Ireland*, has run out his Fortune by Extravagance; he kept good Hours till he got acquainted with *Lot Cavenagh*.

Cavenagh. She is his Wife my Lord, they came over from *Ireland* together.

Morel. I am not his Wife. Guilty, 4 s. 10 d.

26. *Ann*, the Wife of *James Glas*, otherwise *Ann Cox*, Widow, was indicted, for that she, together with a Man unknown, did feloniously assault *Catherine Glas*, Spinster, about the Age of 12 Years, and that the said Man unknown, did feloniously ravish her, the said *Catherine*, and that the said *Ann* was present, aiding and assisting the said Man to commit the said Rape, Feb. 5.

Catherine Glas being produced to give Evidence, was asked, how old she was?

Catherine Glas. I was 12 Years of Age last Sunday.

[Being then interrogated concerning the Nature of an Oath, and giving a satisfactory Answer, was sworn.]

Catherine Glas. This *Ann Glas* is my Mother-in-law, in December last, her own Son *Webb Cox* lay with me, at the Gravel-Pits at *Woolwich*, near *Plumtree-street*.

Q. Did you consent to his lying with you?

Catherine Glas. No.

Q. What did this *Ann Glas* do?

Catherine Glas. She made a Man lie with me,—one *Thomas*, a Carpenter,—in the Month of November, she stood over me with a Case-knife in her Hand whilst the Man lay with me.—This was in a Cellar in *Grosvenor's-Mews*.—She said, she would

* *Lot Cavenagh* was an Evidence at the Old-Bailey, Feb. 1738-9. against *James Lawlor* and *James Leonard*, who were then condemn'd for robbing *George Lines* on the Highway.

would cut my Throat from Ear to Ear if I told my Father, that the Man ever lay either with her or me.

Q. Did she do any thing at that Time that *Thomas the Carpenter* lay with you?

Catherine Glasf. She stood over me with a Case-knife, and threaten'd to cut my Throat from Ear to Ear, if I did not let him lie with me.

Q. Did you resist *Thomas the Carpenter*?

Cath. Glasf. Yes, Sir.

Q. Did he lie with you?

Cath. Glasf. Yes, Sir.

Q. Did he enter your Body at all?

Cath. Glasf. Yes, Sir.

Q. Was it by Night, or by Day?

Cath. Glasf. It was in the Middle of the Night.

Q. When did you first complain of this Injury you received?

Cath. Glasf. I never complained of it till after I had been in the Workhouse 2 Months.

Q. Who persuaded you to complain of it then?

Cath. Glasf. My Godmother threaten'd to send me to *Bridewell*, if I would not tell the Truth, and my Mother-in-law order'd me, if I was with Child, to lay it to my Brother-in-law, which I could not do.

Q. Do you know what is become of *Thomas the Carpenter*?

Cath. Glasf. I heard he was here Yesterday, I did not see him.

Prisoner. Was not your Father in the House all the while.

Cath. Glasf. No.

Prisoner. Was not he in the House at the Time that you speak of this being done?

Cath. Glasf. He was in the House that Night, he came for a clean Shirt, and went back again to *Woolwich*.

Sarah Triphook, the Child's Godmother. I went to see the Girl after she had been in the Workhouse about two Months; I said, what do you come in here for? She said, for the Dropsy; she was pass'd from *St George's Workhouse*, to *Marybone*; I said, I did not think it was a Dropsy, and took her to *Dr Ross*, he offer'd to take her as an Out-patient, I said, that would be of no Service to the Girl, because she had no Friends: I told him she had confessed what had happened, and he stripp'd her stark naked, and examined her, and then he was of Opinion that she was with Child: This Woman at the Bar fetched her from *Greenwich*, and carried her to a Cellar in *Grosvenor's Mews*, the Child told me, *Thomas the Carpenter* was at the Head of the Bed with the Prisoner at the Bar, and she was at the Feet. She said, she stood over her with a Case-

knife, while *Thomas the Carpenter* had to do with her, and that the Prisoner should say, if you do not let him lie with you, or tell your Father, or any Body else, she would cut her Throat from Ear to Ear; and said, that *Thomas the Carpenter* did lie with her. The Prisoner came to me in *Tyburn-Road*, the Saturday Night before she was taken up, and said, if I could get the Girl out of the Workhouse, she could make her confess who the Father of the Child is, and she knew the Father to be worth Money.

[The Jury desired the Matron of the Workhouse might be called, to know if the Child had ever varied in her Account of this Matter.]

Ann Ramsay. I am Matron of the Workhouse; I found this out first, and asked her, whether she had had any Dealings with Man or Boy, for I did not take her Disorder to be a Dropsy; this was about 2 Months after she came into the Workhouse, she said, no; she had not: *Hussey*, said I, you must have had to do with some Body, for it is not a Dropsy, and you must confess it to me, or the Overseers will send you to *Bridewell*; then she confess'd it, and that it was by her Mother-in-law's Son, that he lay with her several Times, and once in Bed with her Mother-in-law; she would not confess any thing to me, concerning *Thomas the Carpenter*, but only the Boy *Webby Cox*; she did not confess this till April. She always gave the same Account, and did not vary in it.

Prisoner's Defence.

Jer. Longbottom. This Girl's Father lodged in my House at *Greenwich*, he was a Matros, I never saw any harm by the Prisoner.

Elizabeth Pyle. I have known her 4 or 5 Years, and never knew any ill of her; as to the Girl, she was given to lying.

Prisoner. This Woman can swear my Husband was at home in Bed with me that Night.

Eliz. Pyle. I know he was, but I cannot tell the Day of the Month.

Prisoner. I thought the Child look big, and I said to her, *Hussey*, what have you been doing, you are with Child; she denied it, I got some Neighbours to search her, and they thought she was not with Child. Acquitted.

27. *Anna Maria Heale*, of *St Mary White-chapel*, was indicted for stealing one Silk Handkerchief, value 2 s. 6 d. one Apron, val. 7 s. one Piece of Silk, and several other Things the Property of *Edward Heylin*, Mar. 30.

Edward

Edward Heylin. In April and May last, I lost some Handkerchiefs, Linnen, and several other Things, the Prisoner was my Servant at that Time, she left my Service under pretence of going into the Country; but instead of that, I understood she had got a Service in the Neighbourhood. My Servant was complaining to the Washerwoman, that some of the Linnen was missing, (*we discovered it by that*) I found out where she lived, and got a Warrant to search, and went the 23d of June, with an Officer, to Mr Turner's in White-Lyon-Yard, but in her Box we could only find two Pair of Gloves; Mr Turner's Son said, he suspected she had acted the dishonest Part, by the Handkerchief which she told a Relation of his; I showed him a Handkerchief I had in my Pocket, and he knew his Relation had bought such a Handkerchief, I knew it by the Mark of *H* in the Corner, tho' the *H* was pick'd out, the Mark of an *H* remained; her Box being since searched, several other Things were found that are mine.

Mary Atkinson. I bought this Handkerchief of her one Day when I was visiting there, and gave her half a Crown for it.

Edw. Heylin. This is the Handkerchief that was delivered at Mr Turner's into the Constable's Hand.

Ann Gibbons. I went to her in Bridewell, she said, she bought the Handkerchief in Rag-Fair; that she had nothing of her Master's, and bid me take care of the Writings that were in the Box. This Apron was in the Box, I know the Apron perfectly well, by seeing her wear it at Mr Turner's.

Howard. I know the Apron to be my Mistress's Apron.

Swafeld, the Constable. Two Pair of Gloves were found in the Box, and owned by Mr Heylin. Guilty.

28. William Flemmar, otherwise Flemming, otherwise Silver Heels, of St Peter's Cornhill, was indicted for stealing from the Person of William Roberts, a Silver Watch, value 40s. the Property of the said William Roberts, Mar. 1.

W. Roberts. On Monday, the 1st of March, I was at the Globe in Whitechapel, I staid there till about 9 o'Clock at Night, and then designed to go home directly; I went through Aldgate, came up Leadenhall-street, that Side the India-house is of, and saw very few Persons; but by St Peter's Church, the Corner of Gracechurch-street, I found my self immediately in a Crowd of People, I believe four or five before me, and one or two just at my Heels. I had not gone far before two or three cross'd me, and the

first run, I believe he had an Eye upon the Chain of my Watch, and got the Watch, then he cry'd, *Hallow*, and they all run away, down Gracechurch-street; I immediately put my Hand to my Pocket, and said, 'tis gone, 'tis in vain to go after them; I then told the People, I had a Mischance, and lost my Watch: I look'd into the Papers to see if it were advertised, and not finding that, in a few Days I advertised it my self, and then a Person came to me, (I think it was Tuesday was Seven-Night) and said, he believed there was a Man in the Poultry-Compter could tell me something of it; I went there, and William Cavenagh asked me, if I had not a Leek in my Hat, in such a Place, the 1st of March, and whether I was not robb'd of my Watch? I said, Yes: Upon which I asked him, if he could not procure me my Watch again? He said, he would endeavour to procure me my Watch; he said, he was the Man that took it from me. The Watch is in Court. This is the Watch.

Prisoner. I never saw the Man in my Life.— This vile Villain will swear away my Life.

William Cavenagh. On Monday, the 1st of March, the Prisoner at the Bar, and one William Bryers, and my self, went out with an Intent to rob any Person, that we could conveniently: We went from Rag-Fair, and between 9 and 10 at Night, in Cornhill, we met this Gentleman, Mr Roberts. The Prisoner at the Bar, and W. Bryers passed him, and when I saw him, I turned back from him, and walked before him; then they turned round and seized his Arms, and kept him that he could not go any farther, then I turn'd round and came up to his Face, and took his Watch out of his Pocket, the Watch which is now produced, is the same Watch I took from him, we run down Gracechurch-street immediately; we sold the Watch jointly, to one Jack the Sailor, who is now in Newgate, and he sold it to the Person I got it of; we sold it for two Guineas, and divided the Money.

Prisoner. My Lord, this vile Rogue is only going to swear my Life away to save his own, and there is Evidence against him now, at this Time; and when I was carried to Woodstreet-Compter, to him, he said, he would not hurt a Hair of my Head; but he only did it to make his Information stronger than the others. Guilty 10 d.

29. Bary Broomhall, of St Andrew, Holbourn, was indicted, for that she, the said Mary Broomhall, in the Dwelling-house of the said Mary Broomhall, upon the Body of John Smith, did feloniously make an Assault, and put the said John Smith in bodily Fear, and took from him, a Pair of

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of Silver Knee-buckles, value 5 s. and a Silver Stock-buckle, value 4 s. the Property of the said *John Smith*, July the 5th.

John Smith. Last Monday was Seven-Night, I was going along *Holbourn* with a Bundle, between one and two in the Day. I was directed to carry this Bundle of Linnen, to one Mrs *Savage's*, over-against the Watch-house in *Holbourn*, to be made. I met with a Gentleman in *Holbourn*, whom I enquired of, and he said, he did not know any such Person, unless it was over the Way. I went up *Shoe-lane*, and enquired if any such Person lived there, I enquired of this Woman, she stood at a Door, and said, she lodged there up one Pair of Stairs; so I went into the House; as soon as I got into the House with the Bundle, she shut the Door, and took the Bundle from me, in the Entry, and carried it up Stairs; I went up Stairs after her, to see the Bundle safe delivered to the Person who was to have it; as soon as I got into the Room, where she told me the Gentlewoman lodged, she threw me down upon the Bed, and then searched my Pockets, and took out two Silver Knee-Buckles, one Silver Stock-Buckle, and 14 d. in Money, and then she went to tearing the Paper the Linnen was wrapp'd in; I strove as long as I could to get the Linnen from her, which when I had done, I ran down Stairs and got away, and carried the Linnen to the Place where I had it from, Mr *Peter Keyserman's*, a Hambro Merchant, in *Lawrence Pountney-lane*; he was at my Mother's the Day before, and desir'd she would let me go with it.—He sent it by me, because he has no Servant of his own.—As soon as I got back again with the Linnen, I complained to him, and he got a Constable, and we went and took her up, in the same House where I was misused.—I believe it was a Fore-room, and no Shutters to the Windows.—I did not cry out, because I thought I could manage her.—There was no Woman in the Room but herself. There were two more below Stairs.

Nath. White, Constable. On Monday, the 5th of this Instant, I was coming up *Holbourn*, and my Brother Constable, of the same Parish, called to me, out of the *White-Savon* in *Shoe-lane*, and told me, that the Prosecutor had been robb'd at the Prisoner's House, and that he could not get in; said I, lend me your Staff, and I will endeavour to get in. I went to the Fore-Door, and the Door was shut, I went to the Back-Door, (it is the Corner of a Court in *Shoe-lane*) the Prisoner at the Bar asked, who was there? I told her, if she would, I would make the Thing up as easy as I could, it was some time before she gave me any Answer;

at last she told me, I should not come in; but at length, sometimes by giving her good Words and sometimes bad, she let me in, on my Promise that no Body should come up Stairs but my self; so I went up Stairs with her, I told her the Prosecutor was below, that he had been robb'd of the Things mentioned in the Indictment; she said, no Body had been robb'd that Day in her House; then she bid two Women, who were in the House, look in the Back-room below Stairs, and when they mov'd a Chair or two, one of the Knee-buckles, and the Stock-buckle lay under the Chair, upon the Ground. I am not positive whether I took them up, or not, or who did; they are ready to be produc'd in Court, and *Smith* will prove them to be his.

Smith. These are mine, this Knee-buckle, and the Stock-buckle.

White. I called in the Prosecutor, and asked him, which was the Person that robb'd him? And he pointed immediately to the Prisoner at the Bar, and said, that was the Woman that robb'd him; and then he charged the Prisoner at the Bar, and two others, and sent them to the Compter.

Q. Why did he send them to the Compter?

White. Because he did not know but they might be aiding, or assisting, or have the other Buckle.

Prisoner. There was me and two more Women in Company, I did not touch them. This is a perfidious Case, when you know [to the Constable] what passed between you and I in the Back-room; the Boy came to the Door, and asked for a Dram, I thought such Boys had no occasion for Drams; I said to him, prithee, Boy, go about your Business; says one of the Women, let the Boy have a Dram, and so I did, and he gave me 2 d. for it, and the Boy went into the Back-room with them about 11 o'Clock.

John Smith was call'd again, and asked, whether he did go into the Back-room with these Women? He said, No, my Lord, I do assure you I did not.

Prisoner. This is all Spight in the Constable. This is not my House, it is my Sister's House, *Elizabeth Broomball's*.

White. Her Name is in the Parish Books, and it is generally reputed to be her House. Guilty of the Felony, and acquitted of putting him in Fear.

30, 31. *Stephen Price* and *John Clark*, were indicted for that they, not having God before their Eyes, &c. on the 15th of April, feloniously, wilfully, and maliciously, one *Thomas Cooke* did kill and murder. The Indictment farther sets forth, that the said *Stephen Price*, with both his
D Hands,

Hands, and with Malice aforethought, in a certain open Place near the King's Highway, cross a wooden Rail, the said *Thomas Cooke* did cast and throw, and upon the Head, Face, Breast, and Body of the said *Thomas Cooke*, several mortal Bruises did give, of which Bruises the said *Thomas Cooke* languished from the 15th of *April* to the seventh of *June*, and then died. And that the said *John Clark* was aiding, abetting, and assisting the said *Stephen Price*, the said Murder to commit, and that the said *Stephen Price* and *John Clark*, the said *Thomas Cooke*, feloniously, wilfully, and maliciously did kill and murder.

They were likewise indicted on the Coroner's Inquest, for feloniously slaying the said *Thomas Cooke*.

After the Counsel had opened the Nature of the Cause, the Witnesses for the Prosecutor were called.

Nathaniel Root. *Cooke* the deceased, and I, were at work together, in *Mourning-Lane*, in *Hackney* Parish: This *Mr Clark*, and this *Mr Price*, came riding along the Road by us full speed, and they had like to have rode over *Cooke*; he told them they ought to be knocked off their Horses for riding so fast. *Clark* comes up to *Cooke* first, and dismounted, upon that *Cooke* held his Spade against *Mr Clark*, over his own Head, and *Clark* had the Butt End of his Whip over *Cooke's* Head. — *Cooke* held his Spade up in his own Defence.

Q. Which was up first, the Whip or the Spade?

Root. I cannot say whether the Spade was held up before *Clark* had his Whip up. — I cannot say which was up first. Upon that this *Mr Price* came up, and I caught him by the Arm, and bid him go about his Business, — he made no Answer whether he would or no, but after a few Words more, they both went away. —

Q. What Time of the Day was it? —

Root. It was between two or three o'Clock in the Afternoon, I did not see them afterwards.

Q. Were not you working in a Ditch?

Root. No. It is level Ground, there is no Ditch at all, we were making up the Bank. *Cooke* was a little frightened, and if they had not turned back again, there would have been no Harm done: He did not call after them, he spoke as they were riding by. — I think, as near as I can say, the Horses were just over-against him. — There was never a Blow struck on either Side, as I saw.

Daniel Ferguson. This was by *Mr Rudge's* Brew-House in *Hackney-Parish*. On the 15th of *April*, I was coming along *Mourning-Lane*, I had a Load of

Soot upon my Back. The Prisoners came riding along very hard, — they rode a full Gallop; my Fellow-Apprentice was before me, and bid me get out of the Way; and if I had not I should have been rode over. So I threw myself against the Bank. *Mr Clark's* Horse came pretty near the Bank, then *Cooke* said, you ought to be knocked off your Horses for riding so hard: Whereupon *Clark*, he, the tall one, lifted up his Whip against *Cooke*. I was about thirty Yards off, and saw *Cooke* lift up his Spade, so, which was up first, the Whip or the Spade, I cannot say: I saw no Blows pass, nor any thing after this, for I was in the Shed, shooting my Soot out of my Sack.

Root called again. What Day of the Month was this?

Root. It was the 15th Day of *April*.

John Flatman. I saw the Prisoners at the Bar in *Mourning-Lane*, the 15th of *April* last. I was going Home after my Boys, this and another; these two Gentlemen were riding at a great Rate, and passed by me: I could not see quite up the Lane, for there is a winding in the Lane, and then they were out of my Sight till I came up to the turn of the Lane, then I saw *Mr Clarke* and *Mr Cooke* have hold of each other by the Collar, — it was between two and three o'Clock in the Afternoon, *Clark* dismounted, and held up his Whip with the butt End upwards against *Cooke*. — I do not know whether he held the Whip up against *Cooke* with a Design to strike him. — I stepped up, and said, do not be afraid of the Man that has got hold of you, for the other shall not meddle with you. *Mr Price* came and laid hold of me by the Collar, I asked him what he laid hold of me for; he said, because you should not hurt my Friend, I said I am not going to hurt you, nor your Friend neither; let me go or I will give you a knock on the Face, then they soon mounted their Horses and away they went.

Q. Did you see them afterwards on that Day?

Flatman. Yes. I saw them about four Hours afterwards in *Mourning-Lane*. I live just by the Place where this happened. People had done Work. They passed by, came back and rode into my Yard, I was smoking a Pipe over the Pales; they asked me for a Pot of Beer, I answered them I sold none; is there no Publick-House near, says they, let us drink together; thinks I, if I do not go, they will think I am afraid of them, and so I went with them to the Plough-Alehouse at *Homerton*; when I came to the Alehouse, *Mr Clark*, I think it was, called for a Pot of Beer, and there was a full Pot of Beer brought, then, while the

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the Beer was fetching, Mr Price would have quarrelled with me, I told him I did not care for fighting. Mr Clark brought the Beer to me, and I drank out of the Pot. Mr Clark asked me which was the House Cooke lived at; one Man pointed at the House, and said, that is the House. Mr Clark said he would go and see for him, and he did go, I did not go with Mr Clark.——Cooke lives about sixty Yards from the Plough; he was not at Home, and Clarke said, if he had been within, and would not have come along with him, he would have whipped him before him.—A little after,—as soon as the Words were well out of his Mouth, he saw Cooke coming towards his own House. Says one, there is Cooke coming along. Clark hailed him, and Cooke made a short stand, then he beckoned him, and Cooke came up to the Plough Door. Says Clark, Now if you are a Man fight me. Cooke said, I will not fight, I am not obliged to fight every Fellow, or Words to that Effect, and he would not fight: Then both the Prisoners said, if he would not fight they would Horse-whip him. Said Cooke, you may use your Pleasure, but you had better let it alone than horse-whip me. Then Mr Price went and talked to him, what the Words were, I cannot tell, but they were spoke in an angry Way. Mr Price laid hold of his Arm in order to get him into the House to fight. Cooke had pitched his Load, and sat down at the Door with a Pipe in his Mouth. Price took the butt End of his Whip, and broke the Pipe in Cooke's Mouth, and the Piece which Cooke had in his Hand, which was the Bowl End, he took and flung at Price, but I do not know whether it hit him. Price then fell upon Cooke, and flung him over or cross the Rail, with the blows that he gave him, and fell upon him and beat him; there were several Blows about the Face, for his Face was as bloody as a Slaughter-House.—You could not see his Face for Blood.—Clark was by, but Clark did not meddle with him.——

Q. Did you see Clark lay hold of the deceased?

Flatman. I did not. Then Cooke went away and went Home.——I saw Cooke come by my Door three or four Times afterwards.——I saw him two or three Days after this Quarrel, and he was in a miserable black Condition.——

Q. Did he make any Complaints?

Flatman. He said he had got some inward Hurt, and never should be his own Man again, and he said he believed the Man that beat him was the occasion of it.—I believe he did not know his Name then.—I never spoke to him after that

Time, but every Time I saw him, I thought he grew worse and worse. He could walk as upright as any Man before, but could not do so afterwards.

Q. Did you ever hear that he complained of his Lungs.

Flatman. No. He was pretty healthy, but he had not a ruddy Complexion.

Q. When you saw this, why did not you take him off.

Flatman. I have had too much of that already, but if I had done it, this Person, Mr Clark, would have fell upon me, and then we should have been all in a bad Condition.

Q. Did this Transaction appear to you as any thing more than a common Quarrel?

Flatman. It did not appear as a common Quarrel to me, for Men to come three or four Hours afterwards, and kill another Man, I do not think that can be called a common Quarrel.

Joseph Rollo. I knew Cooke very well, I saw him the Thursday before Easter, I cannot remember the Day of the Month, (on looking into an Almanack, it appeared to be the 15th of April). I saw Mr Clarke at the Plough at Hommerton, either on Horse-back or Mare-back, I cannot tell which, I saw him go from the Plough to Cooke's House, with his Whip in his Hand, and I saw him return again, and heard him say, he was not at Home; and I believe in a Minute, or two Minutes afterwards, as Cooke was coming by the Marsh-Gate, in his Way Home, I saw Mr Clark beckon with his Hand to call him to come up, and then Mr Clark offered him five Shillings to box him, then there were Words arose between all three of them, then I saw Mr Price take the butt End of his Whip, and as Cooke was rising, upon the half Bend, knocked the Pipe out of Cooke's Mouth, then he laid hold of him, overpowered him, and threw him upon the top of the Rail,——then he lay upon him, and beat him over the Face with his Hand.

Q. Was it with his Hand or Fist, for there is some Difference between them.

Rollo. With his Fist to be sure, for Men do not go to fight like Women with their Hands open.——Clark did not do any thing.—Cooke was afterwards in a drooping, wasting Condition. I do not know that he did any Work after this; it was a dismal Aspect to see him afterwards, for he grew worse and worse Day after Day, and Time after Time.—He was very well before, I do not know that in two Years that I have known him, he has had a Day's Illness.

Q. Do

2. Do you know the Occasion of his Illness afterwards?

Rollo. No; I cannot tell the Occasion of a Man's Disorder, for I am not a Surgeon. I have often asked him how he did? he said, he was worse and worse, and that he was sadly used.

2. How came you not to part them, when you saw him so abused?

Rollo. It cost me once, at *Hicks's-Hall* 10 l. for parting a Man and his Wife, and I did not care to part two Men.

— *Green.* I knew *Thomas Cooke*. I saw him and the Prisoners at the Bar, the *Thursday* before *Easter*, at the *Plough Door*, they were enquiring (I can't tell which of them it was) where *Cook* lived, *Mr Clark* went and enquired if he was at home, and they said he was not; then *Clark* said, if he had been at home, and would not have come, he would have whipp'd him all the way up to the House. In a very little while afterwards, *Cooke* was going homeward, and *Clark* called to him, and he came; and I believe *Clark* said, was you not a Rogue to serve me as you did, to threaten to knock me off my Horse, and then to go to strike me with your Shovel? said *Cooke*, My Partner said, if he had been in my Place he would have knock'd you off the Horse. I believe *Cooke* sat down, and *Price* insisted on his going into a Room to fight him; I believe he took him by the Collar, and said, he would either swear the Peace against him, or he should fight him; *Cooke* said, he might do as he pleased, for he would not fight: The little Gentleman, *Price*, up with his Whip, and made an offer to hit *Thomas Cooke*, but he did not. Then, presently, he broke *Cooke's* Pipe, which was in his Mouth, with his Whip, *Cooke* tossed the other Piece at him; with that *Price* fell a beating him.—He was very much beat, and very bloody. The next Morning he looked very bad, and said, he was sadly hurt; but he could not tell who it was that beat him.—I saw him about three Weeks before he died; then he was very bad.—He was very well before that beating.

Samuel Pamplin. I saw some Persons at the *Plough Door*,—it was the 15th of *April*; I heard *Mr Price*, say to *Cooke*, Will you fight me? says he, Gentlemen, I do not want to fight with you, if I should be hurt, how shall I maintain my Family? *Sirrah*, says he, I will give you a Crown, or half a Crown, or a Crown Bowl of Punch to fight me; but he would not: With that, this *Mr Price* walked up and down, and now and then took the Man by the Collar, and shook him, as he was smoking; that he came up to him and said, you old Rogue

will you fight, and then with a sort of a flanting Stroke, he hit the Pipe out of his Mouth, with his Whip; and *Cooke* tossed the Bit of the Pipe that was left in his Hand at him, with that *Price* closed in upon him, and after a short Scuffle, threw him down cross the Plate of the Sign-post, and there he held him, that the Man could not turn his Body one way or another; he gave him several Blows about his Breast and Arms, and held him by the Handkerchief, which he had about his Neck.—I saw a little Blood come out of his Mouth, but that might be caused by the Pipe; then they mounted their Horses and went away, *Cooke* walked away as well as he could; but he walk'd but sadly. He went to get an Officer to take them up. When I saw him afterwards, he always looked sadly. He said, he was very bad, and should never be his right Man again.—Before that he appear'd to be in good Health.—He was always a Pale looking Man.—I believe he never did a Day's Work afterwards.—I said, it is a sad Thing that so many People should be standing by, and not take him off, but let the Man be murdered. *Sirrah*, says *Clark*, if you do any thing, I will give you as much; let them have it out. The Man at the *Plough*, I think, parted them.

Jane Chambers. I was at the *Plough Door*, *Mr Clark* and *Mr Price* came up, and called for a Tankard of Beer, *Cooke* came up, with his Pipe in his Mouth, and *Clark* jangled with him, and called him Rogue, and asked him to fight. This little Man struck *Cooke*, and flung him cross the Sign Post; he dropp'd his Whip, and took hold of his Handkerchief so, and beat him till the Blood came wretchedly; he laid with his Back cross the Sign Post. I came and laid hold of *Price* by the Waistband of his Breeches, to pull him off, and *Clark* got up his Whip, and said, You old Bitch, I'll knock your Brains out, if you do not begone. I said, that is more than you dare do.—My Master at the *Plough* came out and unclosed them; *Cooke* said after this, he believed he had given him his Death, and should never be his own Man again.

Mary Wells. The 15th of *April* I was looking out of Window, and *Mr Clark* stopped to water his Horse, *Mr Price* rode on a little faster; then *Price* turned back again, and said to *Mr Clark* come along *Johnny*, for I have done his Business, or I have done it for him. *Clark* said, do not ride so fast, for I am not afraid of him. He was very much bruised. He appeared to be in a good State of Health before, but declined ever afterwards. I have known him 11 Years all but one Month.

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Sarah Cooke, the Widow of the Deceased. What I have to say, is with respect *Clark*, I never saw *Price* till Yesterday. The 15th of *April* *Clark* comes and asks, if this was *Cooke's* House? Yes, Sir, said I, what would you please to have with him? he said, I want to speak with him, tell him my Name is *Clark*, and send him to the *Plough*, to drink a Pot of Beer with me; about two or three Minutes, after *Clark* was at my House, my Husband was coming along, all in his Blood; when he came home, he was in a very bad Condition; he said, the worst of all was his Back; he said, he has hurt my Back so, I am afraid I shall never recover it; my Face may be well again, I do not mind that; he grew worse ever after, and by way of Complaint, has often said, This Man has been the Death of me. He said, the little Man has done my Business; *Clark* never hit him.

John Dunckley. He was in a good State of Health before this. He has often told me, he believed he should never get over it.

Samuel Summer confirm'd good part of the preceding Evidence. On the 15th of *April* I saw there was a little Man just rode by, and I think I met that tall Gentleman on Horseback; he said, you old Rogue, you have it now, remember the Spade in the Lane. I saw *Cooke* the next Day, and his Face was almost as black as my Hat. I think, before this, he was in a good State of Health. About three Weeks after this Accident, I saw him drooping very much; I asked him, where his Complaint was? he said, in my Stomach, and the Small of my Back: Said I, do you think it came by the Quarrel? Yes, said he, I believe it did, and nothing else.

Mr Norris sworn. This Deposition was taken by me. I knew the Deceased very well, it was read before him in my Presence, and I signed it; I gave him a great Caution to take care of what he said, that he was going to appear before God Almighty, and he must be exceeding careful of what he said in his Deposition; he said, he would say nothing but what was true, he died in eight or nine Days.

[The Deposition read to the following Effect.]

Dated the 30th of *May*, signed *Thomas Cooke*,
his Mark.

Midd^l **T** *Thomas Cooke*, of the Parish of *St John Hackney*, in the County of *Middlesex*, Labourer, maketh Oath, That on the 15th of *April*, as he was working with one *Root*, in *Mourning-lane*, two Persons, (one he was was informed, keeps a Livery-Stable, near the City of *London*) rode by

very hard, he spoke to them, and one of them said, he would lick him, upon which he held up his Spade to keep him off, but did not touch him with it. In two or three Hours they returned again, and hearing that two Persons wanted to speak with him, at the House of *Richard Herbert*, he went there, and that *Clark* said, Damn you, you old Rogue, you shall fight me. The other Person, who to the Deponent is unknown, broke his Pipe and beat and bruised him in a very dangerous Manner; that he is now in a low and weak Condition, and verily believes, that this beating and bruising was the Occasion of his Death.

Mr Fisher, Apothecary. *Cooke* came to my Shop, I do not remember the Time, it was in *April*, or *May*. I saw him pretty near his Death, he opened his Waistcoat, and I could not see any Marks of Violence upon his Breast or Back. I saw him about 10 Days before he died, he spit fetid, corrupted Matter, and was in an emaciated Condition;—I choose to leave it to the Surgeons to account for his Disorder.

Mr Girle, Surgeon. Upon opening the Body there was an Adhesion of the Lungs on the Right-side, and there was corrupted Matter on the Lungs. I cannot tell what was the Occasion of his Death.—A Man may live a great while under such Habit of Body; but such an Accident may hasten his Death. They have Pains, and Coughs in the Beginning of all Adhesions. A violent Blow may affect the Lungs. I cannot say how long this Adhesion may be coming in a natural way, it may come suddenly upon a violent Inflammation; and supposing this Adhesion to be an old Disorder, this Usage might hasten his Death.

Mr Nourse, Surgeon. I was desired to be at the opening of the Body, I saw no Marks of Violence on the Outside, in the Inside I found a Quantity of Matter in the Thorax, and the Lungs had contracted a Quantity of Matter, and there was a general Adhesion of the Lungs, which in diseased Bodies are very common. This Adhesion was, I believe, before this Scuffle, for if this Inflammation had been so great, as to occasion this Adhesion, his Complaint would have been much worse when the Inflammation was so violent, than afterwards; and his Complaint was not so great at first as afterwards; I believe that this Violence might hasten his Death. On the Right-side there was a Quantity of Matter, of a reddish Hue, I took more particular Notice of the Colour of the Matter, because I designed to make an Experiment. When I asked the Apothecary, whether he thought he

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had

had ever spit Blood? he said, He believed he had. I asked him, Whether he was so curious, as to examine into the Matter, he called Blood? he said, He had not made Enquiry enough to satisfy himself. I do not think he spit any Blood at all; this Matter which is of a reddish Hue, is so much like Blood, that a Person may be deceived, and take it for Blood. I made an Inspection into all the other Bowels, and found them as they usually are, except the Liver, which had some Appearance of a Decay; which must have been coming some Time before.—Such a Blow as would have occasioned an Inflammation, must have been visible at first.

Mr Polock, Surgeon. I examined this Body, I saw him about three or four Days before his Death, he complained of a Purging, there was no Appearance of any Violence, but there was an Inflammation in his Bowels.

Q. Is that a Dislemper that People have naturally without any external Blow?

Polock. Yes, undoubtedly. If it was occasioned by a Blow, it must make a visible Appearance.—I was sent thither by Mr Clark; he said he did not know that he was hit in any other Place but the Face. He complained of being thrown over a Rail. He said he was not struck on the Breast, but only complained of a Soreness in his Back.—He did not say to me, that it was the Occasion of his Death, or that he should not be his own Man again.

Q. You have heard how this Man was used. Might not this occasion his Death?

Polock. I cannot say that it would.

Q. But might not this hasten his Death?

Polock. I cannot say but it might.

Joseph Sumpter. I saw Cooke riding in the Marsh in May, when they were going to gather Stones for Mr Rudge.

Richard Herbert, Master of the Plough Alehouse. I saw Mr Clark and this Gentleman come into the Town, and ask where they could get a Pot of Beer, they called for a Pot of Beer, and my Servant got it for them; they were sometimes in the House and sometimes at the Door.—The Gentlemen were talking about a Quarrel they had before; I saw no Blows at all.

Q. Who parted them?

Herbert. I parted them. This Gentleman, Mr Price, and Cooke, had hold of each other by the Collar, when I parted them.—I did not see any Motion of the Hand to strike.—He was upon the Rail, but not the Rail of the Sign-Post.

Counf. You look upon this only as a common Quarrel, don't you?

Herbert. It was only a Quarrel: They were a little drunkish.—It looked to me as if they had been quarrelling. Price was uppermost, he was bloody, and must have had a Blow.

[The Witnesses to the Prisoners Characters, called.]

James Waldon. I have known Price five or six Years. He always behaved as civilly as any Lad in the Kingdom, and is as peaceable, quiet a Man, as ever I knew in my Life.

Vaughan. I have known Price a Matter of Twenty Years, he has the Character of a peaceable, quiet, honest, sober, careful, civil Lad, as ever I knew in my Life, and is beloved by all the Company that know him.

Walker. I have known Price between five and six Years, and am intimate with both his Masters that he lived withal, and they give him a very good Character. I never heard any Thing, but that he was a quiet peaceable Man.

Stephens. I have known Price ever since he was a Child, was born in the same Parish. The first three Years he lived with my Brother, who always gave him the best of Characters.

Morris. I have known Price three or four Years, and been out with him often on Foot, on Horseback, and by Water, and never heard but that he was a quiet peaceable Man.

Meredith. I have known Price three Years, we lived together as Fellow-Servants, with Mr Stephens in Thames-street. He bears as good a Character in the Family as ever I heard any one in my Life, an honest, just, peaceable, and good-natured Man.

Pitches. I have known Price ever since he came to London, which is five or six Years. He lived just by me. He was always a quiet, peaceable young man.

Randall. I have known Clark six or seven Years. I have a Stable I hired of him, he is a careful Man, and always obliging. He is such a sober Man, that when my Coachman went away, I would have had him, rather than any other.

Brace. Clark has lived with me three or four Years, and is a very honest, quiet, sober Man, and might have lived with me to this Day, if he had not married.

Cleave. I have known Clark seven Years, he is a good-natured, quiet, honest Man, far from being quarrelsome.

Fellows. I have known Clark three Years, he always appeared to me to be a civil, quiet, modest Man, and always used me well.

Dyson. I have known Clark about six Years, I never was in Company with a better natured, civil Man in my Life, he always behaved himself in a good-natured Way.

John

John Brown gave him the Character of a quiet inoffensive Man.

Morgan. I have known *Clark* ever since he was seven Years of Age. He lived with my Father-in-Law, and became Servant to an Uncle of mine. He has the best of Characters, for a sober, diligent, careful Man, and never quarrellsome upon any Occasion. Both Guilty of Manslaughter.

32. *J. C.*, was indicted for stealing eight Linnen Shirts, the Property of *Robert Meard*. It was proved she owned the taking of them, and that she pawned them. Guilty.

33. *Sarah Hyat* was indicted for stealing the Inside-work of a Watch, with an Outside-case, made of Silver, an Iron-ring, with three Keys, a small iron Box, an iron Bottle-screw, and a Clasp-knife, from the Person of *Joseph Read*, June 6.

Joseph Read. June the 6th, I went out into the Fields, and fell fast a-sleep, and lost all the Things, (which he mentioned) they were all found upon this Woman except the Watch.

Q. Were these Things in your Pocket when you went to sleep?

Read. Yes.

Q. When was it?

Read. It was one Monday Morning, about 5 o'Clock.

Q. How came you to be asleep at that time in the Morning?

Read. I ought to have been at my own House; but I was overtaken in Liquor, and fell asleep.

Q. How do you know when the Prisoner took these Things from you?

Read. I do not know exactly when she took them from me. She followed me up into the Fields.

Q. How do you know she followed you up into the Fields, when you were so much in Liquor and fast a-sleep?

Read. I do assure you she did follow me into the Fields; the first Place I happened to meet with her at, was in *Holbourn*, behind *Gray's Inn-Gate*.

Q. Did not you go to her Lodging with her?

Read. Yes, Sir, I did: She asked me to go in? I told her I wanted to go home; she insisted on my going in; I was coming out again, she said, pray, Sir, have patience; but I came out directly, accordingly she followed me into the Fields, up by the *New-River-Head*. I was much out of order. I did not want her much: She sat down by me, and I fell fast a-sleep: I do not believe I had been a-sleep above a Quarter of an Hour, but I started up, and the first thing I felt for was my Watch.

I happen'd, to have two Guineas and a Half in my Waistcoat Pocket. I missed my Watch, and the other Things out of my Pocket, and 2 s. 1 d.

[The Things were produced in Court.]

Read. All these Things are mine. I lost them.

William Garnet, Constable. They brought this Woman, as a Prisoner to me, in the Morning, and I took her into Custody, the Keys and the Watch they told me, were found upon her; but I did not see them found. I told her if she did not let me have the Watch, it would be worse for her; she said the Watch should be left at such a Place, and I found it there.

Q. Who took the Things from her?

Read. I took all but the Watch, out of that young Woman's Pocket; the Watch she had conveyed away. Guilty 10 d.

34. *Barry Fieldley* was indicted for stealing one Holland Shirt, val. 2 s. 2 Shirts, val. 2 s. the Property of *John Hughes*, June 27. Acquitted.

35. *Eleanor Allen*, of *St Botolph Aldgate*, was indicted for stealing a Brass Candlestick, a Linnen Waistcoat, 2 Shirts, and a Parcel of Child-bed Linnen, the Property of *John Cockburn*, June 19. Guilty 10 d.

36. *Philip Jones*. 37. *Walter Evans*. 38. *Matthew Dowel*. 39. *Jeremiah Dowel*. 40. *Lewis Gunter*, were indicted that they on the 18th of April, at 11 o'Clock in the Night, did break open the House of *Elizabeth Davis*, at *Hammer-smith*, in the County of *Middlesex*; and stole from thence a Brass Mortar, val. 7 s.

Elizabeth Davis. I live at *Hammer-smith*, my House was never broke open, I never was robbed of any Thing.

No Prosecutor appearing they were Acquitted.

The Counsel for the Prisoners alledged, that none of these Persons ever had been within 20 Miles of *London* in their Lives, that it was only done to take off their Evidence in a Cause depending, and that it was a wicked and malicious Prosecution, and desired that they might have a Copy of the Indictment, which the Court was pleased to grant.

41. *John Wigginton* was indicted for stealing a Brown Linnen Waistcoat, val. 2 s. 6 d. and a pair of Shoes, val. 2 s. 6 d. the property of *David Day*, June 8.

David Day. June the 8th, two Men brought the Prisoner to me, and told me, he had robbed my House. I live at *Wiggins's-Key*, he did not deny the Fact, and told me, if I would have given him time, he would have

have put them on, for he wanted them; and he told my Lord Mayor so.

Benjamin Jefferies. I saw him go up and come down the Stairs belonging to Mr Day's House; he brought this Waistcoat, and this Pair of Shoes down with him, and dropped them on *St Dunstan's-Hill*, and I took them up.

John Clark. I stood at the Corner of *Harp Lane*, and saw the young Man run, I stopt him, and held him till they came up to him. Guilty.

42. *Baron Webster*, of *Stepney*, was indicted for stealing a Book of Songs, val. 18 d. out of the Shop of ——— *Hughes*, July 14. Acquitted.

43. *George Walker*, was indicted for stealing one Pair of single Channel Pumps, the Property of *Thomas Mason*, out of his Shop, May 15. Acquitted.

44, 45. *William Grover*, and *Robert Hughes*, otherwise *Hogg*, of the Parish of *Pancras*, were indicted, *Grover* for stealing a 11 Old Streaks for Coach Wheels, the Property of *William Beech*, June 12. and *Robert Hughes* for receiving the same, knowing them to be stole, June 12.

William Grover Guilty 10 d. *Robert Hughes* Acquitted.

46. *Elizabeth Smith*, of *St. Botolph Aldgate*, Widow, was indicted stealing a Sheet, val. 4 s. the Goods of *Thomas Hughes*, June 26. Guilty 10 d.

47. *Jacob Abraham*, of *St. Mary Le Bow*, was indicted for stealing out of the Shop of *Archibald* and *Duncan Maclane*, 13 Yards three Quarters of Linnen Cloth, val. 15 s. their Property. Acquitted.

48. *Andrew Gardner*, of *Chelsea*, was indicted for the Murder of *William Pateman*, June 23. no Prosecutor appearing he was Acquitted.

49. *John Hammond* was indicted, by the Name of *John Hammond*, late of *London*, Brewer, for forging and publishing a certain Letter directed to the said *John Hammond*, Brewer, at *Greenwich*; purporting to be under the Hand of *Nicholas Durant*, and directed to the said *John Hammond*, dated Dec. 21, 1739. The Prosecutor failing in the Proof of an Answer in the Exchequer, the same not being signed by the Party, he could not proceed in his Evidence. Acquitted.

50. *Robert Ayres*, 51. *Joshua Daine*, and 52. *John Bailey*, were indicted for stealing twelve Fish,

called *Turbut*, restrained from their Liberty, and then confined, being the Property of *Isaac Starbut*, val. 36 s. May 7.

The Counsel for the Prosecutor, in opening the Indictment, said this was a Felony under Pretence of Right; and upon the Evidence, it appeared these Persons were Officers, and well known to the Prosecutor to be such; and these Fish were by them taken as unfishable. Whereupon the Court was of Opinion this was not a taking *Anima furandi*, and that it was improper to try the Legality of a Seizure by Indictment. If there had been a wrong taking, the Parties, on an Action of Trover, would be obliged to make Satisfaction. Acquitted.

The Trial of Mr *James Annesley*, who together with *Joseph Reading*, was indicted for the Murder of *Thomas Egglestone*; as also on the Coroner's Inquest, for the same Fact; and a third Time separately, on the Black-Act; having lasted seven Hours, engaged the Attention of several Persons of Distinction, and raised a general Expectation in the World, is printing at large, and will be published with all convenient Speed.

N. B. This Method is taken to prevent any complaint which might have been made, in case so important a Trial had been abstracted in such a manner as to have made it a Part of the Sessions Paper.

The Trials being over, the Court proceeded to give Judgment as follows.

Received Sentence of Transportation, 18.

<i>Tho. Brannon</i>	<i>Mary Donoho</i>	<i>Will. Jackson</i>
<i>Mary Broomball</i>	<i>Eliz. Elmes</i>	<i>James Mackoy</i>
<i>Tho. Bunn</i>	<i>Will. Flemmar</i>	<i>Anne Neale</i>
<i>Will. Clayton</i>	<i>Will. Grover</i>	<i>Jam. Nowland</i>
<i>J — C —</i>	<i>John Higginson</i>	<i>Eliz. Parsons</i>
<i>Margaret Davis</i>	<i>Sarah Hyatt</i>	<i>Mary Robinson.</i>

Burnt in the Hand, 4.

<i>John Clark</i>	<i>Martha Leaver</i>	<i>Stephen Price.</i>
<i>Will. Fennymore</i>		

To be Whipt, 3.

<i>Eleanor Allen</i>	<i>Eliz. Smith</i>	<i>John Wilkinson.</i>
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The next ensuing Sessions to begin,

On Monday, September 6, at *Hicks's-Hall*.

On Tuesday, September 7, at *Guild-Hall*.

On Thursday, September 9, at the *Old-Bailey*.

GEORGE HEATHCOTE, Esq; Lord Mayor.

GOD save the KING.

E R R A T A.

Sarah Breiland, No. 15. was acquitted.

THE
P R O C E E D I N G S

AT THE

SESSIONS of PEACE, Oyer and Terminer,

FOR THE

CITY of L O N D O N,

A N D

County of M I D D L E S E X,

O N

THURSDAY the 9th, FRIDAY the 10th, SATURDAY the 11th,
and MONDAY the 13th of *September*.

In the 16th Year of His M A J E S T Y 's Reign.

B E I N G T H E

Second S E S S I O N S in the M A Y O R A L T Y

O F T H E

Right Hon. *George Heathcote*, Esq;

L O R D - M A Y O R of the C I T Y of L O N D O N.

L O N D O N :

Printed and Sold by T. C O O P E R, at the *Globe* in *Pater-Noster-Row*. 1742.

[Price Six-pence.]

Of whom may be had, The Trial of James Annesley and Joseph Redding, at the Sessions-House in the Old-Bailey, on Thursday the 15th of July, 1742, for the Murder of Thomas Egglestone.

THE PROCEEDINGS

AT THE

Sessions of the Peace, and Oyer and Terminer,
For the CITY of LONDON, &c.

BEFORE the Right Honourable GEORGE HEATHCOTE, Esq; Lord-Mayor of the City of London, Sir JOHN STRANGE, Knt. Recorder, Mr Serjeant URLIN, and others of His Majesty's Justices of Oyer and Terminer for the City of London, and Justices of Goal Delivery of Newgate, holden for the said City, and County of Middlesex.

London Jury.

James Carter,
Bartholomew Paine,
Richard Wheeler,
Goldsbury Frost,
Nicholas Polliday,
William Clarke,
Joseph Tumar,
Jeremiah Flipper,
William Sclater,
William Lasing,
Matthew Farman,
James May.

Middlesex Jury.

Thomas Nicholls,
Ralph Marsh,
Daniel Weedon,
Jarvis Weston,
John Marsh,
Henry Barnet,
Henry Bristow,
Nathaniel Whincop,
Edward Milward,
John Atwood,
John Jackson.

55. Christopher Peterson, otherwise Jack the Sailor, was indicted * with one William Briers, for stealing an Oil-Skin Bag, and seventeen Pound Weight of Tea, the Property of William Barton, out of the Shop of the said William Barton. February 10.

Joseph Graham. On the 10th of February last, between the Hours of seven and eight in the Evening, a young Man came in, and bought a Pennyworth of Sugar-Candy, and a few Minutes afterwards another came in; in the mean Time a Gentlewoman came in for a Quarter of a Pound of Sugar; while I turned my Back, another young Man said, Call as you come back; and then I believe two Persons took this Bag of Tea, but I cannot say

the Prisoner at the Bar was one. It is the Property of John Barton. There was seventeen Pound Custom-House Weight, it was worth above 5 s. a Pound.—It was about an Hour after they went out of the Shop before I missed it.—I cannot tell whether there was any other Customer in the Shop, between the Time of their going out and my missing it.

William Cavenagh. On the 10th of February, between the Hours of seven and eight in the Evening, the Prisoner, William Briers, and myself, went to the Corner of the Old-Bailey; William Briers went in first, and asked for a Pennyworth of Sugar-Candy, I followed him into the Shop, and was with Briers, to screen the Prisoner from being seen by this Gentleman; and the Oil-Skin Bag, with the Tea in it, was taken away by the Prisoner at the Bar.—I saw him take it, because I waited to see when he had it, that I might go away; and Briers said as we were going out, I might call as I came back. We sold it to one Elizabeth Barefoot for five Shillings a Pound. I think it came to 4 l. 5 s.—Briers is transported † for another Fact.—I am in Custody of the Keeper of Newgate. I am in no Business now; I was bound to an Attorney.

Prisoner. I have nothing at all to say. I leave it in your Hands, my Lord. I have no Friend in the World. Guilty, Death.

The Jury recommended him for Mercy.

56. William Edwards, of St George's Bloomsbury, was indicted for stealing one Piece of Gold Coin, val. 3 l. 12 s. two Pieces of Gold Coin, val. 36 s. each, and four Pieces of Gold Coin called Guineas, the Value of 4 l. 4 s. the Property of Thomas Clarke, in the Dwelling-House of the said Thomas Clarke, the 22d of August last.

Thomas

* He was committed for breaking open the House of Messieurs Huntley, Linnen-Drapers in Leaden-Hall-street.

† He was convicted in April Sessions of stealing two Perukes from Mr Bonnell.

Thomas Clarke. I went to Church on Sunday the 22d of August, and when I came back I found my Drawer open, it is a Drawer in a Chest of Drawers; and about two o'Clock this Lad came Home a little fuddled. He had lived with me about three Months.—Mr *James* (the next Witness) was with him, and he begged Pardon, and said he would never do so any more.—He begged Pardon for being Drunk, for he had not been charged with any thing.—I was asked if I had sent him to receive any Money for me, and I said no: Upon this I went to my Drawer, took the Bag out, and laid the Money on the Table, and there seemed to be a good deal less than there was. I missed a 3 *l.* 12 *s.* presently. I could not make him confess any thing, so I carried him before a Constable, and he went to the Round-House. I sent for Mr *James* and asked him if he knew any thing of it, Mr *James* said, there was one 3 *l.* 12 *s.* two 36 *s.* Pieces, and four Guineas, which he left in his Hand the Day before at *Wells-Fair*. I went to the Boy at the Round-House, and he confessed he pushed back the Lock with a Knife, and took out the Money; he said the Devil told him where the Money was, and that the Devil bid him do it; he own'd the 3 *l.* 12 *s.* the two 36 *s.* Pieces, and the four Guineas, and said that was all he took.

Mr *James*. I think the 22d of August, I saw this Boy drinking with three or four Carpenters in *Wells-Fair*. I was drinking a Pint of Beer, and seeing him throwing his Money about, I asked him what Country-Boy he was, he said he was out of *Wales*; I advised him to go Home, he desired me to drink some Ale; perhaps, said he, you may think I cannot pay for this Ale, though my Hat on my Head is not worth Six-pence, yet I can pay for it, and pulled out one 3 *l.* 12 *s.* the Boy said he did not care to go Home, for fear his Master should beat him. I said if he would go Home along with me, his Master should not beat him: Said he, I will give you two Guineas, if you will let me go about my Business; no, said I, I cannot do that, then, said he, take it all.—I thought as he was a little in Liquor, his Master would be angry with me; and think I kept him out, so I would not deliver the Money till Mr *Clarke* came to me. Said Mr *Clarke* to me, Have you not two Guineas of my Boy's? Yes, said I, I have a great many two Guineas. On Monday Morning he confessed he took four Guineas, two 36 *s.* Pieces, one 3 *l.* 12 *s.*

Prisoner. I did not open the Drawer, I found it open, and that Man, *James*, made me drunk.

Q. Can you tell whether the Drawer was locked?

Clarke. I am not certain, I believe it was; I do not know that ever I left it open. Guilty, Death.

The Prosecutor said he believed it was the first Fact, and petitioned the Court on his Behalf.

57. *Edward White* * was indicted for breaking open, and entering the Dwelling-House of *Mary How*, Widow, Sept. 2, in the Afternoon of the same Day, and stealing from thence, two Silver Stock-Buckles, val. 2 *s.* one Silver Shoe-Buckle, val. 2 *s.* One Silver Thimble, val. 6 *d.* two Silk Handkerchiefs, val. 3 *s.* one Piece of Gold Coin, val 1 *l.* 1 *s.* and 2 *l.* 12 *s.* in Money, the Property of the said *Mary How*.

Mary How. I live at *Kingbury*, in the County of *Middlesex*, my House was broke open the 2d of this September. I locked the Door before I went out, but I did not leave any Body in the House. When I came back, I found my House broke open,—the Wall of a back Apartment belonging to my Dwelling-House, the Wall was broke into my Cellar; seeing that broke, I went up Stairs, and found two of my Drawers open, and missed the Goods and Money mentioned in the Indictment. I live in a lone House.

Q. Do you know any thing how the Prisoner at the Bar came to be taken up for this?

How. This Woman was in my Yard, and she described the Man to me. I went to a Farmer hard by, and told him what had happened, and described the Man to him as the Woman had described him to me; and he pursued him and took him, and the Things were found upon him before I came up, and he desired me to be favourable to him, for that if he was to go before a Justice, he should be a dead Man.

John Tawford. I am a Neighbour of this Mrs *How's*, she sent me Word by a Woman, that her House was broke open by a Man that worked for me,—he had worked for me about a Month, and I had turned him off. I sent a Man that works for me one Way, and I went another, and when I came to *Hendon Church*, there was one *Hutchins* said that he saw such a Man by the Plough; that he had a good deal of Money, and he believed he did not come honestly by it. I saw the Prisoner laid down in a Ditch on his Face, and he seemed to be fuddled; the Constable and I searched him, and found all the Things mentioned in the Indictment, and three Pound twelve Shillings, in Silver and Gold; there was three Handkerchiefs found upon him, he said he took four, but had given one away; he said at first that we had no Business to stop him, and if we did he would give us trouble for

* He swore himself an Accomplice in robbing Alice Perry in Holloway-Road, Nov. 1, 1739. He was likewise, by his own Confession, concern'd in the Murder of Thomas Wall, September 14, 1740. by the Hole in the Wall near Canbury-House, Islington. Vid. Sessions Paper, July 1741. No. 26.

for it; but he confessed it afterwards, he said he *crope* in at that Place, and *crope* out there again afterwards. When they are in that Place, they can go all about the House. This is the Purse, I think they say it is a Hart-Skin.

[*The Things were produced in Court.*]

Mrs How. These are all mine, particularly the Purse.

There were more Witnesses, but the Court thinking these sufficient, they were not examined. Guilty, Death.

58. **Matthew Mooney**, of *Stepney*, was indicted for that he, on the 29th of *April* last, on the King's Highway, in and upon one *Abraham Goodwin* did make an Assault, and put the said *Abraham Goodwin* in Fear and Danger of his Life, and took from him a Watch, val. 5 l. 5 s. a Seal, val. 2 s. a Snuff-Box, val. 20 s. and 18 d. in Silver, the Property of the said *Abraham Goodwin*.

Abraham Goodwin. On *Thursday* the 29th of *April*, between Ten and Eleven at Night, between *Bow* and the Alms-Houses at *Mile-End*, (it was a fine Moon-shiney Night) I saw two Fellows standing upon the Causeway, on the Right-Hand Side of the Road, each of them had a Pistol in his Hand: They demanded what I had, I told them I would deliver all if they would use me well; the first thing I delivered was a Seal with a Coat of Arms, with a String, and this Case of a Watch; he said, Damn your Blood, what is become of the Guts? I said, Gentlemen, I had forgot it, and gave them that; then they took from me a Snuff-Box, 18 d. (and a Handkerchief, and some Half-pence, which is not in the Indictment) and they made off towards *Bow*, in the Middle of the Road. I being apprehensive of meeting with some Body else, said, Gentlemen, let me speak a Word to you, you have robbed me, give me a Word by which I may save myself, if I should meet with any Body else; said one of them, say I have spoke with the Captain, or the Carman, but I think it was the Carman. The Prisoner answers to the Height of the Person, and I believe him to be the Person, because I observed a Scar on the Right Side of his Cheek. *Cavenagh* was dressed in a Brown Coat, I verily believe *Cavenagh* to be one of them. As to *Mooney*, I could see the Scar better than I can now, for his Beard was long and black.

Prisoner. Gentlemen, pray observe what he says, he says I had a black Beard, and I have no black Beard.

Goodwin. His Beard was rather blacker than it is now.

[*William Cavenagh sworn.*]

Court. Consider now you are admitted as a Witness, and take Care to speak nothing but what is strictly true.

William Cavenagh. I will, my Lord.—On the 29th of *April* last, the Prisoner at the Bar, *John Martin*, and myself, went towards *Bow* between Ten and Eleven at Night, when we came by the Sign of *Why not beat Dragon*, the Prisoner at the Bar and I went on, *Martin* staid behind, and this Gentleman was walking in the Road-Way; each of us had a Pistol in his Hand, and we demanded his Money: He delivered first the Out-side Case of his Watch into *Mooney's* Hand, and *Mooney* gave it to me; I found it was not compleat, but only a Case, and I asked him for the Guts of it, he said, Gentlemen, I forgot it; I think he put his Hand into his Breeches and pulled it out: I took a Snuff-Box from him, and a Shilling and a Six-pence in Silver, and 1 d. and when he asked what he should say if he met any Body else, I bid him say he had met the Carman.

Prisoner. Ask him how long he has been acquainted with me?

Cavenagh. I came acquainted with him about *April*, by a Woman that bought stolen Goods.—The Watch was sold to a Man that kept an Ale-house.

Prisoner. Ask him why he did not swear against me in his first Information?

William Cavenagh. I did mention him in my first Information; if you please to look into it you will find it, (*the Information was read and it was found to be so*). — *Lot Cavenagh* * is no Relation of mine.

Prisoner. He said his Father would spend a great deal of Money to take away my Life, and for the great Reward that is depending upon my Life. I came to *London* the Eleventh of *May*, and I was in a Fever, he passed for a Surgeon, and came to bleed me.

Goodwin. I had the Watch from *William Cavenagh's* Father.

Thomas Moone. I am a Joiner, the Prisoner wrought for me in *Dublin*, the 2d and 3d of *May* last; the 1st of *May* is a Day of Diversion among the Tradesmen, there is piping and dancing; I am positive to his working for me the 1st, 2d, and 3d of *May*.

William Cavenagh. Ask him if the Prisoner at the Bar is not his own Son?

Moone. No: he is not my Son, I never knew his Mother in my Life, — he never passed for my Son.

Court.

* The Person on whose Information the Prisoner was committed. See the Trials in Mr Alderman Perry's Mayoralty, No. 147, 148.

Court. It is not customary to work on a Sunday, now the 2d of May proves by the Almanack to be on a Sunday.

Moone. Yes, sometimes it is, in making Coffins, and he did work for me in making Coffins.—I cannot tell which Day the Coffin was made.—I cannot tell who the Coffin was for, it was an Oak Coffin.—There was no Undertaker, I was Undertaker.

Court. Did you supply the whole Funeral?—

Moone. There was no other Funeral than making of a Coffin.—I found out he was in Goal, by some of his Countrymen; he did not write to me to come.

Prisoner. This *William Cavenagh* said he had nothing against me, that there was nothing but what *Lot Cavenagh* had against me.

Moone. I live at *St Giles's*, in one *Gerrard Cavenagh's* House.—I have been in London since Sunday was se'nnight.—I came from *Dublin* a Fortnight ago, for Debt,—a Debt about 10 or 11 l.—I am an *Irishman*.

Prisoner. That young Man said he was robbed by a Man in a light coloured Coat, and I have no such Coat.

The Jury asked what *Mr Goodwin* was, because there is a Reward in this Case.

Goodwin. I am Clerk to *Mr Penny*, an Attorney in *New Broad street*, my Father is a Woolstapler in *Broad-street*. • Guilty, Death.

59. *John Lambert*, of *St Luke's, Middlesex*, was indicted for breaking open the Dwelling-House of *William Brittain*, about the Hour of two in the Night, and taking from thence sundry Things, to the Value of 28 s. the Goods of *Mary Chambers*; a Perriwig, &c. the Goods of *John Chambers*; and other Things the Property of *William Brittain*, in the Dwelling-House of the said *William Brittain*; May 16.

William Brittain. I have two Houses, one in *Golden* and the other in *French-Alley*, which last was the House that was broke open. I was acquainted with it about four or five in the Morning, and went there and found the out-side Window open, and the Wall likewise broke. The Prisoner at the Bar has but an indifferent Character.

Mary Chambers. I did not lie in that House that was broke open that Night, but I shut it up about ten o'Clock at Night, locked it, and took the Key away to my Master's other House; the People were all in Bed, and the Windows fast shut. I went there between six and seven in the Morning, and the Shutters next the Street were broke, and the Things laid in the Indictment were all missing.—

The Prisoner frequently came to fetch Things from our Bakehouse.

Abraham Foster. The 20th of July last, the Prisoner came to my Shop to be shaved; after I had shaved him, I took the Wig out of the Box, to comb it out, and casting my Eye into the Work, I found it was the Wig I had made for *John Chambers*; we searched his Lodgings, and found a Shirt which *Mary Chambers* proved to be her Work, and knew by its being made of two Sorts of Cloth.

John Chambers. This Wig is mine, I lost it the 16th of May last; the Prisoner said he bought the Wig in *Rag-Fair*, and if he had stole it he would not have worn it.

Foster. You might have worn it seven Years, and not have been found out, if you had not brought it to my Shop.

Prisoner. I bought them in *Rag-Fair*, I deal in old Cloaths.

Mary Powel and *Frances Holgate*, knew him to deal in *Rag-Fair*, and gave him the Character of an honest industrious Fellow. Guilty Felony. Acquitted of the Burglary.

60. *Elias Weefing*, of the Ward of *Queenhithe*, was indicted for stealing one *Holland Shirt*, the Property of *John Cope*, July 22.

John Cope. Having lost a Shirt, I went and searched the Prisoner's Box, and found it there; 'tis my Shirt, 'tis marked *J. C. N. 3*. said I to him, this is my Shirt, said he, it is not, I bought it at *Hamborough*.

[The Prisoner was a Dutchman, and could not plead himself.]

John Cope. He has lived with me twice, and he understands *English* so well, as to answer any common Question. I am a Sugar-Baker in *Thames-street*.

William Clark. I live with *Mr Cope*, and was there when the Prisoner's Box was opened, the Shirt was taken out of it; my Master examined him, and asked him whether that was his Shirt, he said yes, and that he bought it at *Hamborough*, and could bring the Washerwoman to prove it.

[*Frederick Williamson* was sworn as an Interpreter.

Mr Cope being examined again, deposed the Box was locked, and that the Prisoner pulled the Key out of his Pocket, and unlocked it. Guilty.

61. *Barry Barlow*, of *St Andrew's Holbourn*, was indicted for stealing a Watch, with an out-side Case and an in-side Case, made of Silver, val. 30 s. and a Man's Hat, val. 6 d. August 8. the Property of *William Pantell*.

William Pantell. On Sunday, Aug. 8. as I was selling my Milk, the Woman at the Bar came and snatched my Hat off my Head, and said I should not have it again, unless I would give her a Quartern. She said if I would come up Stairs with her, I should have my Hat; and when I came up Stairs, she snatched my Watch from me. I thought when she took my Hat, she was in Jest, so I went a little farther to serve another Customer, before I demanded it. I have seen her before, as I have been selling Milk in the Street.—She lived in *Love's-Court Shoe-Lane*, it was about six o'Clock in the Evening.

John Bannister. I was sitting upon the Bench; and as he was pouring his Milk out of one Kettle into another, she snatched his Hat off his Head, and went up Stairs, and he went up Stairs too. I did not go up Stairs.

John Banks, Constable. On Sunday, August 8. I was sent for into *Love's-Court, Shoe-Lane*, about six o'Clock in the Evening, and this Boy and she, (the Prisoner) were up one Pair of Stairs, says he, *Mr Banks*, I have lost my Hat and my Watch; said I to her, give him his Watch, but she would not give it him: The Boy said she had it in the Inside of her Shift, at her Back. So I felt for it and took it from her, it was the Inside of the back Part of her Stays, this is the Watch I took from her.

Pantell. I bought it of one *Pearce*, under *St Dunstan's Church*, I am sure this is the Watch she took from me.

Prisoner. The young Man called for a Quartern of Gin, and after that a Quartern of Brandy. There was another young Man there, he went down and left us alone: He had no Money, so he said he would go and pawn the Watch; but he gave me the Watch to pawn, and the Constable took it out of my Bosom.

The Jury desired to know her Character:

Banks. I believe she is a loose Woman.

Court. Was there a third Person there?

Pantell. There was a young Man came up, I think 'twas *Isaac Bowyer*,—we had no Liquor at all. Guilty 4 s. 10 d.

62. *Susannah Kend*, of *St Alban, Woodstreet*, was indicted for stealing a Pewter Dish, val. 2 s. 6 d. the Goods of *Thomas Scot*, August 10.

Elizabeth Haydon. I am Servant to *Mr Woodroffe*, a Baker, the Dish is *Mr Scot's*, it was brought with

some Tarts; and while they were in the Oven, the Dish stood empty. This good Woman came into the Shop, and took the Dish out of the House, I followed her, brought her back, and took the Dish from her.

Mary Winterbottom proved it to be the Property of *Mr Scot*. Guilty.

63. *John Foster*, of *St Dunstan's* in the East, was indicted for stealing a Man's Hat, val. 3 s. the Goods of *Thomas Phillips*, August 31.

Thomas Phillips. I lost my Hat off *Wiggins's Key*, it lay between two Sticks upon the Key; he own'd to *Mr Mascall*, that he took it, or I had not known it. The Constable went with me to the Man where the Hat was sold or pawned, and I had my Hat again.

Jeremiah Mascall. He owned he took the Hat, and said if I would let him go, he would produce it. Acquitted.

64. *Thomas Griffiths* was indicted, for that he, on the Ninth Day of July, not having God before his Eyes, and in the Parish of *St Giles's Cripplegate*, in and upon *Judith Haswell*, Widow, with a certain large Piece of Brick, the said *Judith Haswell* on the upper Part of the Head did hit; and gave her one mortal Wound of the Breadth of one Inch, and the Depth of half an Inch, of which said Wound the said *Judith Haswell* did die.

He was a second Time indicted on the Coroner's Inquisition, for the Murder of *Judith Haswell*.

Samuel Walton. I saw the Prisoner at the Bar throw a Piece of Brick at his Wife.—She asked him to go and carry Malt at the *Peacock Brewhouse*, he would not go; but taking up a Piece of Brick, said if she was not easy, he would throw the Brick at her, which he did; and then said he would throw another if she did not get away; she staid a good while unconcerned, but at Length the Neighbours got her away. * —She never went by any other Name than that of *Griffiths*.—The Brick was almost as big as my Fist.—He stood five or six Yards from her; he bid her get away several Times, yet she would not go, and then he threw it at her with his Left Hand, it hit her pretty hard on the Head, and flew behind her.

Prisoner. Ask him if I did it designedly.

Walton. To be sure he did, because he said he would, and did, throw it; and he said if I say I will

* The Breaks, in this and other Evidence, are to shew, that what follows is in Answer to Questions put to the Witnesses; which Questions are omitted for Brevity sake, the Answers denoting what they were.

will throw it, I will be as good as my Word. —
I never knew any Harm of the Man before. —
I think it was on a Thursday.

Robert Rollison. I saw *Thomas Griffiths* and *Judith Griffiths* (as I then thought, I did not know her Name was otherwise before) go up *Three Leg Court*, in *Whitcroft-street*, I think it was the eighth of July, it was on a Thursday. I did not see the Brick thrown, but I heard Words pass between the said *Thomas Griffiths* and his Wife; he said, Damn your Blood, I will knock your Brains out if you do not get away. I will speak the Truth, for we must all appear before one Tribunal Judge, to be sure; he said afterwards, God damn your Eyes and Limbs, if I have not kill'd you, I will kill you, and to be hanged for it I do not value it. I heard nothing else worth mentioning.

Court. What was it she said to put him in such a Passion?

Rollison. She gave him very provoking Words I do assure you; she damn'd him for a Rogue in an illiterate Sort of a Way, for Ignorance and Impudence meet together, it mixes very much, and God will be a righteous Judge.

Prisoner. That's as true a Thing as ever was spoke in this World. Ask him if he did not say he would hang me.

Rollison. My Soul, is that apparent. I shall always speak the Truth; and if I say any thing amiss, I shall ask God's Pardon, not your's. I will say nothing to the Blemish of my Escutcheon.

Court. Have you at any Time said that you would hang him?

Prisoner. I declare upon my Oath I never did.

Margaret Allen. I saw him *ball* a Brick at the Woman, and saw the Blood come, — it was done with Violence, for it flew from her. — I do not know what Occasion was given for throwing it. — He was about 10 Yards from her — it was about half a Brickbat — I saw him have a second up in his Hand to throw at her, and he said after he had thrown one that he would do the same, for he did not value being hang'd for such a Bitch as she was. — I believe she lived about 9 Days after this happened.

Diana Brislet. I saw the Prisoner at the Bar throw a Brickbat at her Head, — it was thrown at her — I did not know her by any other Name than *Judith Griffiths*; she went for his Wife; he did take up a second Brickbat, and Mr *White* was the Man that took it from him, for he said, if he had struck her under the Burr of the Ear he might have killed her on the Spot; the Prisoner said, Damn the Bitch he did not value being hanged

for her, for if he did kill her he was sure he should be hanged for her.

Charles Wheeler, Surgeon. The Wound she had was down to the Skull, about one Inch and an half long, and the Skull was bare, it was about the Middle of July, she came to my Surgery in *Basingball Street*, these Wounds are frequently healed, but I believe she caught Cold in coming in the Rain, and had a Fever, and that was the Occasion of her Death; for the Membrane of the Brain was inflam'd and that caused her Death; she came to me for a Week, and I complained to the Church warden and said, she would die if she was not got into a better Place, it was for want of a warm Room and Necessaries, I believe, that was more the Occasion of her Death than any thing else.

Thomas Goodman, Surgeon. I attended the Deceased for two Days; she had a large contused Wound on the upper Part of her Head: The Woman had no Symptoms of a fractured Skull, or any Injury done to the Brain when I attended her; her Head and Neck were very much tumified, and all I did prov'd unsuccessful, the Humour was suddenly repelled and struck into her Brain: I believe she got Cold, as Mr *Wheeler* has said, and that was the Occasion of her Death. I do not think but that if she had not caught Cold, that the Wound might have been cured: I laid the Skull bare, and carefully examined it after she was dead, and I did not observe any Injury done to the Skull: Sometimes the Skull shall remain whole and there may be a Concussion of the Brain, I searched the Brain very carefully and it look'd as in dead Bodies.

2. How can he be indicted for the Murder of *Elizabeth Haswell*, Widow, when the Witnesses say she was his Wife?

Rollison and *Walton* were called up again, and said they did not know her by any other Name than *Griffiths*.

Mary Petts. I saw *Judith Haswell* before she departed her Life, and she said her Name was *Judith Haswell*; and being asked, whether the Man was her Husband, she said no, and that the Man that gave her the Blow did not do it designedly, or with a design to do her any Damage, for he was in Liquor, and she had provoked him very much, and she desired he might not come to any Damage, for she should not rest in her Grave if he did.

Another Witness said she heard the very same Words.

The Prisoner in his Defence said, that there was some Malt came into the *Peacock* Brewhouse, and he went to pump some Water, that she came and rioted him very much, that he took it patiently till he could

could bear it no longer, and then he took up that Piece of Brickbat and hit her on the Head with it, but not with a Design to do her any Damage.

Mary Griffiths. I am a small Relation, — but very little — I am his Aunt: I was Nurse in the Work-house where this Woman died: Her Name was *Judith Haswell*, she said she provoked him very much, and it was that Provocation occasioned it to be done, and she would not have him die for it for all the World.

Rollison. That Woman that swore last is his own Mother, and she owned she was so.

Court. You swore you was his Aunt; there was no Crime in swearing you was his Mother, but there is a Crime in swearing you are his Aunt when you are his Mother.

Mary Griffiths. I am his Mother indeed, but I am distracted, I do not know what I say.

Judith Knight. I know the Prisoner was always a poor, harmless, inoffensive Fellow, but a little half-witted: She was a sad provoking Woman in Liquor, and would be both Master and Mistress: I was with her about two Days before she died; and she desired it might not be laid to his Charge.

Susan Baily, Elizabeth Harlow, and Joseph Hughes gave him the Character of a peaceable, harmless, honest, laborious Man. Guilty of Manslaughter.

65. *John Walker*, of *Stepney*, was indicted for stealing ten pound Weight of Hemp, value 1 s. 8 d. August 24, the Goods of *Simon Ayres*.

Simon Ayres. I lost a Quantity of Hemp; the Prisoner who had work'd with me confessed before Justice *Jones* the taking it; but I cannot swear to any particular Parcel, one being like another.

John Russell. He said before Justice *Jones* he took the Hemp; but he was terrified and frightened, and looked like a Madman, and did not know what he said. Acquitted.

66. *Caleb Walker*, of *St. Clement Danes*, was indicted for stealing a Pair of Sheets, val. 1 s. a Blanket, val. 1 s. the Goods of *Samuel Axe*, May 28.

Mrs Axe. I live in *New-Inn Passage*, without *Temple-Bar*. The Prisoner lodged at my House last May, he took the Lodging by the Name of *Smith*. The second of August last, my Daughter met him, and charged him with taking these things; he told Alderman *Hankey* he had sold them in *White-Chapel*.

Prisoner. I never did lodge at her House.

Mary Axe. I remember that Man's lodging at my Father's. He told me he had pawned them in *White-Chapel*, but would not tell me the Street. He would have given me 3 s. for them.

Prisoner. An please you, my Lord, she said she only wanted the Money for the Goods.

Axe. I never said any such thing. Guilty.

67. *John Bloxom*, of *Hayes*, in the County of *Middlesex*, was indicted for breaking and entering the Dwelling-House of *George Greenleaf*, about the Hour of two in the Day, and stealing five Pewter Dishes, val. 5 s. nine Plates, val. 5 s. two Pair of Shoes, val. 5 s. an Apron 6 d. and a Table-Cloth 6 d. in the Dwelling-House of *George Greenleaf*, and his Property, August 26.

Mrs Greenleaf. I live at *Norwood-Green*. I went out this Day fortnight, between one and two, in the Middle of the Day; when I came home, the House was broke open. I came in at the Fore-Door, the Lock made a great Noise, and he run out at the Back-Door. I am sure the Back-Door was fastened both with Pin and Bolt, when I went out; I followed him, and found the Things in my Way; these are the Things. I followed such a Man in a red Coat out of the House at a great Distance. I did not see any Body throw them down. — It was a Back Window that was broke open; he had taken the Glass out, there was just Room enough for him to get in, when his Coat was off; these are my Husband's Goods that I picked up by the Way, as I followed him; my Husband's Shoes were dropped before the other Things. All these that were in the Bag were together.

John Wright. I found him in one Place, and his Coat in another, he was lying under a Bush in a Ditch, and his Coat was about 2 Yards from him: I did not charge him, but I told him I believed he was the Man I wanted. I did not see any of the Goods lie upon the Ground by him. — He said he was a Defenter, and so run away to hide himself for fear of being taken.

John Filby. I saw him at Mr *Henry Priest's* at *Norwood-Green*, this Bag was wrapped up under his Arm, about half an Hour or an Hour before the House was broke open, he was at our House to ask for some Small-beer; he asked me what Sort of a Man the Parson of the Parish was, and so I had a full Sight of him.

Prisoner. I asked the good Woman of the House for some Small-beer, and she gave me some: I saw a Pear-tree, or an Apple-tree, and pulled off my Coat, and thought I could get some Apples, and a Woman cried out Thieves, Thieves, so I caught up my Coat and away I ran and hid myself. Guilty of the Felony, 4 s. 10 d.

68. *John*

68, 69. **John Desley** and **William Ball**, were indicted for stealing 100 Weight of Iron, val. 9 s. the Goods of **Robert Pearson**. Acquitted.

70. **Susanna Emmes**, of *St Dunstan Stepney*, was indicted for stealing a Crape Gown, a Pair of Stays, a Hat, and 3 Linnen Caps, the Goods of **Thomas Norgate**, and 13 Yards of Camblet, the Goods of **Mary Norgate**, July 12.

Elizabeth Norgate. The Prisoner broke into my House and took the Things mentioned in the Indictment; she confessed the taking of them, and that she sold them to one **Byrom**, in *Catherine-wheel-Alley* in *White-Chappel*. Mrs **Byrom** own'd she bought them of her: Mrs **Byrom**'s Husband brought them to me, I live in *Spital street*; I never saw the Girl before——I do not know how she got in. Guilty.

71. **John Doe**, of *St James's Westminster*, was indicted for stealing one Silver Spoon, value 12 s. the Goods of **William Clark**, August 17.

William Clark. The Boy goes of Errands for me; his Sister told me of it; the Boy denied it at first, but owned it afterwards, and said he gave it to one **Miller**, and she broke it in several Pieces, and sold it, and gave the Boy but one Penny out of it——the Boy is between 14 and 15.

Prisoner. I have no Relations, my Father and Mother is dead, and I do not know where my Sister is.

Mr Clark. The Boy is an innocent sort of a Boy, I never miss'd any thing before: **William Miller** is a notorious Thief, and this Boy happened to lodge at the same House with him; the Boy own'd he took it at the Incitement of **Miller**, and that he gave him a Penny for doing it. Acquitted.

72. **Mary Crosby** of *St Andrew's-Holbourn*, was indicted for stealing a Linnen Sheet, value 2 s. and 6 d. the Goods of **James White**, July 31.

Mrs White. The Prisoner at the Bar had worked with me some Time, I missed the Sheet, and ask'd her if she knew any thing of it, I took her up on Suspicion, and she confessed she sold it for Half a Crown. I went with **Mr Redhead** the Constable to the Pawnbroker's, I asked for the Sheet and he produced it.

2. Whose Sheet is this?

White. I do not know whether it is proper to mention whose Sheet it is, I was afraid of offending the Gentleman that owns it, by having his Name put in the Sessions Paper, he is out of Town: I take in Linnen to wash.

Mary Exal. I went with Mrs **White** to the Pawnbroker's, and I know the Sheet very well.

Elizabeth Bagley. She owned before me to the Constable where the Sheet was pawn'd

Court. This does not appear to be the Property of **White**.

Mrs White. I suppose it is my * Property while it is in my Custody. Acquitted.

73. **Bagdalen Swabrook**, of *St John Evangelist*, was indicted for breaking and entering the Dwelling-House of **Charles Pearce**, and taking from thence one Piece of Gold Coin called a Guinea, value 21 s. one Piece of Gold Coin, value 10 s. 6 d. and five Shillings in Money, July 29.

Charles Pearce. Sir, the Prisoner at the Bar I suspected, because she knew where the Money was, and no Body (as I know of) but she: I had Occasion to take some small matter of Money to lay out, and when I came the Money was gone, and the Thing that it was put in, and when I saw it was gone, which was a Disappointment to me for want of Money, I opened the Windows of the little House I lived in, and there was a Pane of Glass broke, I took the outside Shutters and turn'd them aside, and the upper Part of the Glass or Frame was upheld by a long sort of a Spike-Nail; so I conjectur'd she was the Person that did it; I met her in *St Martin's Church-Yard* in the Evening; the Constable who was with me took her up and carried her before a Justice of the Peace, she confessed nothing that I know of, for I could not hear if she did, for I am as deaf as this Board. I lost 39 s. and 6 d. from out of a Chest of Drawers which stood in a Ground-Room: The Window was fastened when I went to Bed, which is generally about 8 o'Clock, but I cannot tell what Time it was down.

Prisoner. I have nothing to say, but that it is a malicious Prosecution; I suppose, Gentlemen, you know that it is my own Father.

Court. Is she your own Daughter?

* In the Case of the Butler of the Temple (September Sessions, in the Mayoralty of Sir John Salter, No. 391.) concerning some Plate that was stolen, it was the Opinion of the Court, that it was the Property of the Butler, because it was given into his Hands to keep; but this is not the same Case; though to be sure a Washer-woman is answerable for what she is entrusted with.

Charles Pearce. I must pull out my Barmacles *. She is my Daughter; (and wept.)

[His other Daughter was called for to be sworn.]

Court. Is that your Daughter?

Pearce. Yes: She is eleven Years of Age, and I am Four Score and Eight.

[She appearing to be so young, and likewise an Accomplice, the Court did not think proper to admit her to give Evidence.]

Radford. The 29th of July I had been by Water, and when I came Home at Night the Door of the Palace Yard was put to, which used to be open, 'tis a Door between Justice Blackerby's House and the Bridge-Office, there's a Bench the Watermen have to sit upon, I saw the Prisoner at the Bar sitting upon it, and somebody else with her behind the Door. 'Tis under the Place where the King goes to the Parliament-House, the Bench moves backward and forward; in the Morning I heard a Report that the old Man's House was broke open, and that his Daughters were gone; I believe she lived with her Father (from the Death of her Mother) till the Time this thing happen'd: Thinks I, I do not like this Thing; this young Witness was gone too, and it was told me that his Daughter was got into a Coach in King's-Street, Westminster, with a Horse-Grenadier: The old Man finding his Money gone, cried, What will no Body help me! So I being Constable, I took her up and carried her before Justice Manley, the next Evening about seven or eight o'Clock, and after some Examination, (it was taken in Writing, but not sign'd) she said her Husband, as she called him, was a Horse-Grenadier, and was going with the last Forces to Flanders; she was going with him, for she was one of the four Women that was to go with the Troop. Acquitted.

74. *Elizabeth Shields*, of St James's Westminster, was indicted for stealing 4 Harrateen Bed-Curtains, value 4 s. one Piece of Cheney, value 1 s. one Piece of Stuff, value 6 d. and six Pieces of Stuff, value 18 d. the Goods of Francis Deschamps, August 18.

Francis Deschamps. I lost the Things in the Indictment, these are mine.

William Wells. This Woman came to my Shop, and asked me if I would buy a Set of Curtains out of Pawn; I told her I would if I approved of them; I went to Mr Grubb's, he called the Woman by her

Name, and I found them there, the Gentleman wanted me to prosecute the Woman, but I was only to be an Evidence.

Court. It is your Duty, and the Duty of every one to prosecute. I believe you are an honest Man, but take care for the future.

The Goods must be delivered without being paid for: You have bought a thing the Seller had no right to. Guilty 10 d.

75. *Elizabeth Harris*, late of London, Spinster, was indicted for stealing four Linnen Shirts, value 40 s. four Pieces of Portugal Gold Coin, val. 36 s. each, and six Pieces of Gold Coin, called Guineas, val. 6 l. 6 s. in the Dwelling-House of John Pouncefort, the Property of John Pouncefort, July 24.

John Pouncefort. I live at the Angel and Crown without Bishopsgate. On the 24th of July, I had a Bureau set on Fire about eleven a-Clock at Night. The best Part of my Linnen was in it; I believe I lost a Dozen Shirts, tho' I have laid but four in the Indictment. I was not at Home at the Time of this Fire.——I had a Suspicion of the Prisoner, because my Shop-Maid told me she found her at the Till the Day before, with a false Key.——When I came Home, I found my Bureau burnt up to the Well where the Money was; then I missed these Pieces of Money, and charged the Prisoner with taking them. She was then my Servant, she said she never wronged me of any Thing in her Life. I then took her up, had her searched, but did not find the Money upon her.

Prisoner. Did you see the Bureau on Fire?

Pouncefort. No; it was out before I came in, the Drawers were taken out, but I do not know who took the mout.——The bottom Drawer, where my Linnen was, was carried to a Neighbour's next Door. I cannot say I know how the Fire began; the Money, I apprehend, was lost by the Bureau being opened with a Key.

Prisoner. Had not you a good Character of me from Mr Gardner of Gloucester?

John Pouncefort. My Sister, who sent her up, had a very good Character of her, both from her Master and Mistress.

Sarah Worral. I caught her at my Master's Till the 23d of July, between six and seven o'Clock in the Morning; she was alone in the Shop, in a very unseemly Manner to come down Stairs: I went be-

* The Prosecutor being quite deaf, he was sworn by a written Copy of the Oath, which he pronounced, and the Questions were all put to him by Writing.

hid the Counter, and found my Key there. I asked her how my Key came there, but she made me no Answer.

Prisoner. Do you know any Thing of the Bureau's being broke open, or of the Fire.

Sarah Worrall. I never went up Stairs after five o'Clock, till it was quite out.——The Drawers were carried to Mr Smith's, and no Body went into the Room but him, that I know of, it was between ten and eleven at Night. I was in the Shop, when the People called out Fire. I told the Prisoner of it, and she made me no Answer.——I did not see her carry any Water up.

John Smith. On the 24th of July, very near eleven o'Clock at Night, I was called in a great Hurry, and told that Mr Pauncefort's House was on Fire. A young Man in the Neighbourhood and I went up Stairs, and found the Prisoner at the Bar at the Kitchen-Door; when I came up into the Room where the Bureau was, which was a Pair of Stairs higher, I saw the under Drawer of the Bureau all in a Flame, and I threw a Pail of Water upon it and put it out. I called out for a Light to the Prisoner, who was below, but she brought none, neither did she come up, but some other People came up with more Water. I did not go out of the Room till the Fire was out; when the Fire was quite extinguished, I moved the Bureau from the Wall, for fear of it's setting Fire to the Paper Hangings. Then several Neighbours came up, and a Candle was brought; presently the Desk Part fell down, said I, this is surprizing, it has either been broke open, or was never locked. I looked at it, and the Bolt was shoved back. Soon after this, Mr Pauncefort came Home. I told him what had happened, he said he had locked his Bureau in the Morning, and left his Money in it, and then he imagined that the Prisoner at the Bar had robb'd him; a Constable was sent for, and she was searched by the Constable; but he did not find it upon her.

Elizabeth Elcock. Hearing the Report of a Fire, I went to see how Mr Pauncefort's Sister did, for she had been in a Fit. A Constable was sent for, the Prisoner was searched, but there was no Money found upon her; but in searching her Room, I turned down her Bed, and there were four clean Shirts. I asked the Prisoner if she knew any Thing of them, she said she put them there in a Fright.

Elizabeth Harris. In letting down the Bed, I found four clean Shirts; the Prisoner said she put them there in a Fright.

Elizabeth Twigger. I was charged by the Constable to search the Prisoner at the Bar, and I found only 9 s. and some odd half pence in her Pocket.——She said she took the Shirts out of the Drawer when the Drawer was in Flames, and when Mr Smith was in the Room.

Sarah Wafham. These are two of the Shirts. I know they are my Master's Shirts. The Gentlewoman showed me these two Shirts upon the Prisoner's Bed.

Prisoner. When Fire was cried out, I run up Stairs, and the Bureau was all on Fire. I took some Linnen out of the Drawer, and carried a Bowl of Water up Stairs to quench it, and took the Linnen up, and threw it upon the Bed, what Linnen it was I cannot tell. Mrs Twigger, who keeps the Coffee-House, insisted on my not moving, till I was searched, which I did not. They searched me but found nothing upon me. I have been very hardly used; they denied me all my Cloaths. I have been in Town from Gloucester but five Weeks.

Edward Owen. I have known this young Woman about twelve Months, she lived with Mr Gardner, a Minister in Gloucester, her Master always gave her a good Character; the Girl had the Keys of every Thing, and used to give me a Mug of Beer now and then. She had the Character of a good civil modest Girl. I used to serve Mr Gardner with Coals; his Brother was here all yesterday and to-day, but he is now gone, thinking the Trial would not come on to-night. Acquitted.

76. *Mary Staples*, of *St Leonard Shoreditch*, was indicted for stealing a Linnen Sheet, val. 3 s. the Goods of *Mary Brooks*; and a Camblet Petticoat, val. 5 s. and two Linnen Handkerchiefs, the Goods of *Bryan Gouge*, July 30. Guilty 10 d.

77. *Ann Thomas*, of *St Martins in the Fields*, was indicted for stealing one Dressing-Glass, val. 12 s. and one Pair of Silver Buckles, val. 4 s. the Goods of *Jane Coates*, July 19.

Jane Coates. The Prisoner was a Lodger in my House about seven Weeks ago. I lost a Dressing-Glass, and a Pair of Silver Buckles; the Buckles were in a Drawer of the Glass. I went out, and there was no Body in the House but my Maid and her. I desired my Maid to take care of the House.

Elizabeth Carter. I live with Mrs Coates; the Prisoner at the Bar was a Lodger there then, the Looking-Glass was in the Back-Room. I went out for

for some Sand, and left her in the Fore-Parlour: I shut the Street-Door after me, when I went out. I was not gone above half a quarter of an Hour; and when I came back, I found the Street-Door open, and the Glass and the Prisoner was gone. About an Hour and a half after, she came back, and I charged her with it; she said she knew nothing of it.

Prisoner. Mrs Coates said she took me up only on Suspicion, and that it lay between her Maid and me. Acquitted.

78. **Thomas Isaacs**, of *St Sepulchres*, was indicted for stealing one Silver Spoon, val. 5 s. the Goods of *Nicholas Parr*, August 21.

Nicholas Parr. On the 21st of August, about half an Hour after three in the Morning, there happened a Fire at Mr *Ladbrook's*, at *Cow-Cross*; there were several Things put into my House for Security from the Fire. This Man, *Thomas Isaacs*, was employed in moving Things, and there was a Silver Spoon belonging to me found on this *Thomas Isaacs*; Mr *Ladbrook* had removed part of his Goods to my House. This Spoon was in my House before, I have had it a Year or two, there's 7 s. M. upon it. I do not know that it was found upon him. The Prisoner owned before Mr *Wroth*, that the Spoon was in his Pocket, but could not tell how it came there. I have known him seven or eight Years, and always had a good Opinion of him. He has an old Mother of seventy Years of Age, which he is able to work for, and I hope he will have Mercy shown him. Acquitted.

79. **Barry Collins**, of *St Leonard Shoreditch*, was indicted for stealing a Gown and two Petticoats, a Shirt, a Brass Candlestick, and a Pair of Stays, the Goods of *William Bartrup*, July 6.

William Bartrup. I met this Woman in an Alley in *Bishopsgate-street*, and being a little in Liquor, I asked her to go up to my Room, in *Whitecross-Alley*, in *Moorfields*; there was a Neighbour of mine wanted a little Small-Beer, I went down Stairs to get some, and when I came back the Prisoner was gone. Whether I left the Key in the Door or not I cannot say, but the Goods were missing in the Morning. I found the Things upon her Back at the House where we were drinking Gin the Night before; she owned having the Brass Candlestick, but would not say where she had pawned it.

Elizabeth Tod. I live in the House with my Neighbour, these were his Wife's Cloaths, they lay upon the Back of the Chair; when he missed

them, says he, Where's my Shirt? she owned the taking of the Candlestick before the Justice, but said she threw it away. Said I, she has taken your Wife's Cloaths, and you will find her at such a Place. I found the two Petticoats and the Stays, but the Gown she said she had given away.

Prisoner. I was going along *Bishopsgate-street*, and he asked me how I did, and whether I would go and drink, which we did; and he asked me whether I would go with him to his House, which I did, for he said he was a single Man then. Acquitted.

80, 81, 82. **George Anderson**, **Richard Studder**, **Henry Hinton**, of *St John, Wapping*, were indicted for feloniously breaking open and entering the House of *John Inwood*, about the Hour of one at Night, and taking from thence 3 Pieces of Cantaloon Stuff 80 Yards, one Piece of printed Linnen 22 Yards, 14 Ells of Linnen, and 2 Remnants of Bays, all to the value of about 4 l. the Property of *John Inwood*, July 23.

John Inwood. I live in *Milk-Alley*, in the Parish of *St John Wapping*; I am a Shipwright by Trade, but my Wife is chiefly in the Shop Business: July the 22d in the Evening the Shop was shut up fast, about 10 a-Clock before I went to Bed, it was locked, barred, and bolted, and about four in the Morning I was informed the Shop was broke open, and the two Shutters lying on the Ground, there was a Pane of Glass broke, and the Goods were taken out, that are mentioned in the Indictment: I am positive the Night before the Goods lay in the Window within reach of being taken out by a Hand put thro' that Pane of Glass.

Thomas Studder. On the 23d of July this *Anderson* the Soldier and I were walking together in *Wapping*, about one o'Clock in the Morning we met *Richard Studder* and *Hinton*; this *Anderson* mentioned that he in the Day-time saw these things lying in the Window and proposed the taking of them, and about two in the Morning *Anderson*, who is a Cöbler by Trade, and I, by the Means of his Pinchers, pulled the Groove of the Window off, that the Shutters slide upon; I broke the Pane of Glass, I took the Goods off the Window and gave them to *Anderson*; *Anderson* and *Hinton* held open the Bag, and all these things were put in and *Studder* stood close to the Bag; the Pieces of course Sheeting, and one of the Pieces of Stuff, were sold to Mrs *Gill* for Half a Guinea, the Half Guinea was divided between us all, 2 s. and 6 d. a Piece, and the odd 6 d. was left in my Brother *Richard Studder's* Hand

Hand, and he has it yet : Mrs Gill finding these to be stolen Goods, she would not keep them, but returned them ; the Goods were cried, a Search-Warrant was granted, and they were found in the House of *Richard Studder*. — *Miller* the Thieftaker's Wife took me, and the Prisoners were taken up on my Information, having made myself an Evidence.

Hinton the Prisoner. He sent *Unwin* after us, I was going out with China and Earthen ware.

Unwin. I informed Mr *Inwood* I thought *Richard Studder* was the Man, we searched his House and found a large Quantity of the Goods. *Thomas Studder* hearing of this came to my House and offered himself a voluntary Evidence, for he had been guilty of several Robberies, and he said he wanted to make himself clear in the World. I went to Justice *Jones* and told him this, he said he would admit him an Evidence the next Morning, it being late then, which he did : He named the three Prisoners, *Crocket* and *Emanuel Hubbard*, I met *Anderson* and took him, and he said he believed his (the Evidence's) Brother and *Hinton*, were at Mother *Rippon's* at *Epping* : I hired some People and Horses, and went down and took them. *Anderson* and *Studder* would have made themselves Evidences, but *Hinton* did not care what became of himself if he could save *Studder* ; near the Place where I live there is about 60 of this Crew ; *Studder*, and the Keeper of *New Prison's* Son, were the Leaders of this Gang ; we could hardly stir out of Doors for them.

John Upwood Constable. This is the Bays that was found in *Studder's* House.

Prisoner *Anderson*. My Lord, here are a parcel of Thief-takers here, they would swear our Lives away. *Inwood* could not swear positively to the Goods, there being no Marks on them, but said, they were very much like them.

Nathanael Harris. I went to Mother *Rippon's* at *Epping*, and as soon as *Richard Studder* saw my Head, he jumped out of Window, and *Hinton* was going to do the same, but I caught hold of his Coat, and prevented him, but *Studder* was soon taken. Pray, said I to him, where are your Pistols ; said he, I exchanged them with *Matthew Mooney** for his Buckles. I am a Hatter in *Rosemary-Lane*.

Prisoner *Richard Studder*. He wanted to swear my Life away once before. — *Harris*, you are a very dangerous Man.

Hinton. *Harris* said to me, if you have five or six Pounds I may serve you, if not, I will have your Life.

Harris. I never said any such Thing, nor never spoke a Word concerning any Money, for I could not expect any.

* See No. 58. p. 24.

[*Unwin* called.]

Court. You are upon your Oath ; have you received any Money from any of the Prisoners, or any of their Relations.

Unwin. There was Money offered, and I believe I might have had a considerable Sum ; and a Gold Watch, the Prisoner *Studder* offered it, if I could any ways serve him, and save his Life : But I had not any Thing.

Prisoner *Studder*. He has all my Goods.

William Palmer Hind. I was at the taking of *Anderson*, and he said I would have *Thomas* take care to lay his Informations fully, or else I shall make mine fuller than his before Colonel *Deveil*.

Prisoner *Anderson*. That is a Lie, it was before Justice *Dennet*.

Hind. He desired to know if he could be made an Evidence, he asked that several Times. — There was a Pair of Pistols produced.

Thomas Studder. These are the Pistols which were taken from *Matthew Mooney*, who was convicted last Thursday ; I believe these were my Brother's, though the Marks are rubbed off.

Edward Baily. I have know *Anderson* four or five Years ; he is a Cobler in *Rag-fair*, he does not keep a Stall, but works for several Masters : I am his Brother-in-Law. I always thought him an honest Man, and one that worked hard for his Bread : I am a Brasier, and live in *Broad street, Soho* ; but I sell Goods to the Brokers there.

Susanna Baily. I am the Prisoner's own Sister, (*she cries*) I said to this Gentleman, Mr *Unwin*, Dear Sir, do not take away an innocent Life for the sake of the Reward ; he said if you had come about a Fortnight ago, I could have served you, and if I could get Money my Brother should not be hurt ; I do not say he mention'd any particular Sum.

Elizabeth Boswell. I have known this Fellow ever since he sucked at his Mother's Breast, 34 or 35 Years ago ; I am 45 Years of Age, (the Prisoner looked to be full as old) I live in *Broad St Giles's* and deal in *Rag-Fair* ; I never heard any ill of him.

James Dickson. I have known him three or four Years, I always took him to be an honest Man.

Unwin. As to that Woman (*Anderson's* Sister) she said she would give me a Note of her Hand for 20 l. if I could save his Life, for she was a free Dealer, and would pay it at so much a Week ; the Husband said no, that was too much, he said about 3 l. would do, but I never did offer any thing concerning taking of Money. All three Guilty, *Death*.

83. *Richard Studder* was a Second Time indicted, for stealing two Geese, val. 3 s. one Duck, val.

val. 6 d. two Game Cocks, Val. 5 s. one Hen, val. 2 s. 6 d. the Goods of *John Hawes*, July 17. And,

84. *John Anderson*, for receiving the same, knowing them to be stole.

But no Prosecutor appearing they were acquitted.

85. *Dorothy Wood* was indicted for stealing a Pair of Stays, val. 10 s. out of the Shop of *Elizabeth Compton*, July 17.

Elizabeth Compton. I keep a Shop in *Rosemary-Lane*, and sell Cloaths. I lost a Pair of Stays out of my Shop, the 17th of July last. The Prisoner at the Bar came into the Shop and cheapened a great many. I fitted her with a Pair, and missing this Pair, I searched her; she opened her Breast, said she, Do you think I can have them here? she opened her Gown, and I put my Hand under her Coat, and there was a Bag tied round her Waste, and the Stays were in that Bag, these are my Goods. She begged I would not prosecute her.

Prisoner. I never was in her Shop in my Life.

Compton. My Son, and my Son's Wife both, saw the Stays taken out of the Bag. Guilty, 4 s. 10 d.

86. *Margaret Hutchins*, of *St Margaret Westminster*, was indicted for stealing one Gold Ring, val. 15 s. the Goods of *James Hunt*, Sept. 3.

Mary Hunt. I lost the Ring out of my Box last Friday Morning. The Box was locked, and the Key was in my Pocket. It was pawned at the *Golden-Ball*, in *Hart street*, and I found it there.

Thomas Grub. I live in *Hart-street*, *Covent-Garden*. The Prisoner came to our Shop with a Gold Ring, she pledged it for 15 s. I have taken in several Rings of her before, and took her to be a very honest Woman, for she dealt very fairly.

Mary Hunt. This is my Wedding-Ring. Guilty.

87. *Thomas Hooper*, of *St Anne Westminster*, was indicted for stealing one Pair of Shoes, val. 2 s. 6 d. one Pair of Pumps, val. 1 s. 6 d. one Pair of Stuff Damask Shoes, val. 2 s. 6 d. the Property of *William Miller*, in his Shop, September 2. And,

88. *Bartha Goldsmith*, for receiving them, knowing them to be stolen.

William Miller. On Monday last *Hooper* deserted my Service. After he was gone, one of my Neighbours said, Mr *Miller*, you have lost some Pumps. I enquired, and found one Pair behind a Grate in his Room, and another of them at the Pawnbroker's. These are my Goods, though the Mark is blotted out.

William Matthews. These Pumps were brought to my Master by *Goldsmith*, who said her Mistress gave them to her. *Hooper* guilty, 4 s. 10 d. *Goldsmith* acquitted.

89, 90. *Catherine Davis* and *Jane Canwell* were indicted for stealing six Yards three Quarters of Thread Lace, val. 40 s. the Property of *William Coverley*, in the Shop of *William Coverley*, Sept. 1.

Frances Coverley. I keep a Milliner's Shop in *White-Chapel*. On the first of September, the two Prisoners at the Bar came into my Shop, and cheapened some Lace, *Davis* said she wanted it to make some Baby-Cloaths. I missed a Piece of Lace, and my Son pursued them, and overtook them, and they were designed to be searched at this Gentleman's (Mr *Crawley*'s) House. This Lace was in my Box when they came into the Shop. I saw the Lace drop from *Canwell*. I had a Suspicion, because they bid me a great deal under the Value of it. *Davis* was at some small Distance from the Lace when it was taken off the Ground.

Canwell. Have I not been several Times at your House, and laid out Money with you?

Coverley. She has been twice at my Shop, bought Goods and paid for them.

Canwell. Did not *Davis* take the Lace, and put it upon me.

Frances Coverley. I should rather think *Davis* took it; I had never seen her before, she looked like an ill Person.—This is not the Lace they cheapened—I cannot say *Canwell* handled any of the Lace, though she might, for the Box was close to each of them,—they stood even with one another.

Elizabeth Smith (Servant to Mr *Crawley*). These two Women came to my Master's House, they were both sitting close together up Stairs. *Davis* got up, and one Part of the Lace stuck to *Davis*'s Cloaths, and the other Part lay upon the Ground. They said they knew nothing of the Matter.

Gerrard Crawley. My Cousin *Coverley* came to my Shop with these two Women. They were unwilling to go up Stairs at first, but they did go; when they came into the Room, my Cousin said, One of you two have robbed me of a Piece of Lace. They were a little amazed, and my Cousin said, I am determined you shall be searched; and the shortest one (that is *Davis*) got up and said, Search me, Madam; and the other went towards the Window; and I saw the Lace drop from her outward Garment, and part of it stuck to her Cloaths; it

it did not drop from that Side next to *Davis*, but the opposite Side.

George Coverley. My Mother missing the Piece of Lace, she and I followed them; I overtook them by the *Mansion-House*. I said I wanted to speak with them, and they must come back. Says one of them, What will the Gentlewoman let us have the Lace? I said, she wanted to speak with them; they came back to Mr *Crawley's House*, in *Leaden-hall-street*, and then they were told what we wanted with them.

David Gilham. I have known *Canwell* about two Years, her Husband is a Lapidary, I never heard any Ill of her.

Anne Young had known her twenty Years, *Martha Foxon* four Years, and *Ann Jones*, *Susan Phillips*, *Mary Woolball*, and *James Woodward*, have known *Canwell* several Years, and gave her the Character of a very honest Woman. *Catherine Davis* * guilty 4 s. 10 d. *Jane Canwell* acquitted.

91, 92, 93. *John Cooper*, *John Squire*, and *John Jennings*, were indicted (together with *James Stewart*, and *George Erwins*, not yet taken) for that they in a certain Place near the King's Highway, called *Grace's Alley*, upon *Joseph Daniel*, did make an Assault, and put him in corporal Fear, taking from him a wooden Box, sixteen Metal Spurs, one Cock, and thirty Shillings in Money, the Property of the said *Joseph Daniel*.

Joseph Daniel. On the 27th of June last, I think it was between one and two in the Morning, I was going up *Well-Street* in *Rosemary Lane*, I turned into an Alley called *Grace's Alley*, and heard, as I thought, some Body come after me, presently a Man came up with me, as soon as I could I stopped to let him pass before me; then I saw several Persons, one of them came up to me, said he, what's here; (I had a Fowl in my Bag;) let go. I had another Bag under my Arm, in which were these Spurs, and some trifling Things; the Man that first stopped me, and took the Fowl, asked me what I had got in my Pockets, and put his Hand into my Breeches Pocket, on the right Side, and took my Money: To the best of my Knowledge, I lost 50 s. though I have laid it but for 30 s. I begged them not to use me ill, as I was a working Man, to hinder me from getting my Living; one of them held up a

Thing like a Pistol, and said he would blow my Brains out if I spoke another Word, or to that purpose; another held up a Thing like a Hanger, but being very much frightened, I cannot be very particular, then one of them said come along; said I Gentlemen, here is in one of these Bags only a Fowl, which will be but of little Use to you, and upon my saying that, one of them flew towards me in a great Fury, and said, he would blow my Brains out if I said any more; then I went away.——I cannot take upon me to say I know any Thing of the Prisoners at the Bar: A Person came to me some time afterwards and asked me if I had lost any Cock Spurs; I said yes I had, the Man told me he would go with me on Sunday to look after them.——'Twas Mr *Unwin* at the Ship, near *Well Close-Square*, the Spurs are in his Custody; this wooden Box I am positive I lost, the Spurs were in it.——It was darkish, I cannot be positive whether there were Lamps or not.

Q. What sized Men were they?

Daniel. I took them to be middle sized Men, but I cannot be positive. I am a Plane-maker by Trade.

Q. So you divert yourself now and then with a little Cock-Match.

Daniel. I am a Man that does not use much Company, so I think I may as well spend a little Time that way, as spend two or three Shillings any where else.

William Hawkins. On the 27th of June the three Prisoners at the Bar, and I and two more, met *Joseph Daniel* at the End of an Alley near *Well-Close-Square*.——We all went out together to stop any Body that we met, and to take what we could from them——It was between one and two o'Clock in the Morning.——I knew Mr *Daniel* again as soon as ever I saw him. *Erwins* the Irishman asked him what he had in his Bag, and took it from him, and put his Hand in his Pocket, he took out what Money the Gentleman had in his Pocket, which he said was 22 s. and 6 d. which was shared among us; so he sunk the rest.——*Squire* was searching his Pockets too. I do not know what was taken out of the other Pocket.

Q. Did any Body hold up a Pistol?

Hawkins. *Squire* had a short Rolling-pin, which might be taken for a Pistol in a Surprise. That young Fellow *John Cooper* had a Hanger, *Squire* took the Bag with the Box and Spurs in it.——The

* *Davis* had not one Person to her Character, though she had a great many last Sessions, when she was tried by the Name of *Mary Shirley*, for robbing Mr *Setcole*, *Linnen-Draper* in *Smithfield*. See her remarkable Trial, No. 21.

Gentleman desired to have his Fowl again, said he, there is nothing in that Bag but a Fowl, I hope you will give it me back again; and *John Cooper* said if he spoke another Word he would cut off his Nose; the Cock Spurs *Squire* and *Cooper* sold in *Rag-Fair* for 3 s. The Fowl was dressed at Mr *Smith's*, the *Yorkshire Grey* in *Rag Fair*, on Monday Morning, *Squire*, *Cooper* and I were at the eating of it, *Jennings* was not; the 22 s. and 6 d. was divided between us, we had 3 s. and 6 d. a Piece, and the other 18 d. was spent in Bottled-Ale and Brandy.

Jennings. I am sure of it, I never was out with them before that Night.

Hawkins. We robb'd five People that Night, and every one of the Prisoners were with me then. — I believe this is the Box the Spurs were in; I took particular Notice of it.

Jennings. Please to ask him how long he has known me.

Hawkins. I never knew him before that Night; all five except *Jennings* were together, and we said we were going out together, and asked *Jennings* to go along with us, and he said he would; I had drank with the others several Times, but was never out with them before upon that Account.

Jury. Was *Jennings* in the hearing of them? Did he know of your Design, that you were to go out to rob? Because there's a Difference between taking a Walk, and going out a Robbing.

Hawkins. The *Irishman* said, in the Hearing of *Jennings*, they were going out to rob any Body we met, and to get what we could. — I am sure *Jennings* heard him say so, and knew our Design.

Samuel Unwin, who keeps the *Ship Alehouse*. I know of these Spurs, I have seven Pair and an odd one. After Mr *Jones*, the City-Marshall, had taken up these two Men, (that is *Cooper* and *Squire*) I heard of the Robbery in *Well-Close-square*, and went to *Miller*, and he said they were sold to his Wife for Silver. I made an Enquiry of one at the *Red-Lion Cock-Pit*, whether he knew any Body who had been robbed of any Cock-Spurs; upon that he made an Enquiry, and found them to be Mr *Daniel's*. All Three guilty, Death.

94. *Mary Mathews* was indicted with *John Johnson*, not yet taken, for stealing one Guinea, one half Guinea, and a Quarter of a Moidore, and 6 s. and 6 d. in Money, the Property of *Matthew Infom*, August the 23d.

Infom. A Fortnight ago last Monday, between seven and eight in the Morning, I was in *Rag-Fair*; there was no Person in my Company but this *Mathews*, at a House which is called the *Hayfield*. I

was drinking a Pint of Beer, there she picked me up, and carried me to one *Johnson's*, who keeps a private House: We drank together, but I refused drinking any thing but all Ale. We were in a Room by ourselves; as soon as I came out of the House I missed my Money. I was not there passing half an Hour — I know I had my Money in my Pocket a Quarter of an Hour before I came out of the House; and in half an Hour's Time I met her in my Way. — I am sure she is the Person that robbed me. I carried her before Justice *Rickards*, and she pleaded she had not a Halfpenny Piece about her. And the Money was found about her there was a Guinea, and 10 s. 3 d.

Joseph Goadby. I found 31 s. 3 d. in her Pocket, though she said she had not a Farthing. Acquitted.

95, 96. *Ralph Coster*, and *Thomas Coster*, of the Parish of *St Mary Islington*, in the County of *Middlesex*, Labourers, were indicted, for that they not having God before their Eyes, but being moved and seduced by the Instigation of the Devil, on the 16th Day of *August*, in the Sixteenth Year of His Majesty's Reign, in and upon the Body of *John Lack*, feloniously did make an Assault with a certain Dagger made of Iron and Steel, value 6 d. which he, the said *Ralph*, held in his Right-hand, and him the said *John* one mortal Wound did give, of the Breadth of half an Inch, and the Depth of 3 Inches, of which Wound he instantly died: And that the said *Thomas Coster* was then and there aiding, abetting, assisting, comforting and maintaining the said *Ralph* the said Murder to commit: And that they the said *John Lack* did kill and murder against the Peace of our Sovereign Lord the King, &c.

Josias Lack. The Deceased was my Father: He was killed the 16th Day of last *August*, in the Road leading from *Aldersgate-Sweet* to *Islington*, near the Turnpike. — The next Day we got a Search-Warrant, and went with the High Constable to the *Turk's-Head Alehouse*, in the Road leading to *Islington*. I asked where the Landlord and Landady were; a Woman said, I am Landlady. The Constable and other Officers searched the House, to see if they could find any Weapon wherewith the Murder was committed.

2. How came you to go to this House?

Josias Lack. Because it was a House of an indifferent Character, and People suspected it: The High-Constable was going there before I saw him. Says the High-Constable to the Woman, Where is your Husband? Says she, he is in the Country, he has been gone three Weeks. — I have no Lodgers; there is no body in the House but my Son, and he

is

is making a Perriwig : She would have called him down, but the Constable chose to go up ; and when he came up, the Son was mending a Coat, and the Father was shut up in a Closet. There was a Shirt lay soaking in Water, which was bloody : I believe it was in a Bason in the Room where the Father was. The Son was in another Room up two pair of Stairs. It was asked, How the Shirt came to be bloody ; and the old Woman, and all of them said, the old Man was blooded the *Sunday* before.—They all three said so : And when they came before the Justice, the old Man and his Son both said it was the *Sunday* was se'ennight before. The Shirt was brought down and looked at, and it was bloody only on the right Arm.

Court. Did you look at the Arm that was bloody ?

—— *Lack.* There was a Barber there that did, and he said he had not been blooded so lately as the *Sunday* se'ennight before.—I did not see any Thing farther than an old Orifice :—It looked white, not red ; he seemed very much frightened, but said, he would send for the Man that blooded him, but I did not see him there.

Q. Did you see the Body of your Father ?

Josias Lack. Yes, there was a great deal of Violence done to him, he was very much abused ; he had thirteen or fourteen Wounds, they appeared to be Stabs. There was one on his Left-side, under his Left-Pap ; one in his Throat ; one under his Right-Ear ; one in his Left-Cheek ; another by his Left-Eye ; another in his Left-Arm, and one or two in his Back.—It was about 10 o'Clock at Night on *Monday, Aug. 16.* He worked at the *Tower*, and was going home to *Islington.* I was called out about 11 o'Clock, and the Body lay in the Road about six or seven hundred Yards from the Turnpike.—He had no Wound on the Right-Arm.

Court. You say, the old Man said he would send for the Person that blooded him. Did he send ?

Josias Lack. He said he would ; and that the Person lived on *Little Saffron-Hill*, by *Hockley in the Hole* ; but he did not come.

Ralph Coster. Did not I send for the Barber ? My own Daughter went for him, and brought him ; and you staid so long in the *Mulberry-Garden*, that he went away again.

Lack. I did not see any body sent for.

John Noel. On *Tuesday* the 17th of *August*, the High-Constable sent for me to get a Search-Warrant from Justice *Wroth*, to search Houses who harbour People of bad Reputation. The first House we went into was the *Turk's-Head* ; the Prisoner at the Bar kept the *Turk's-Head* at that Time ; when we

went in, the Woman was asked, Who kept the House : Then she was asked where her Husband was, she said, he had been out of Town three Weeks or a Month. The High-Constable asked her, if she had got any Lodgers, or any body else in the House. She said, there was no body in the House but her Son, and that he was above Stairs, making of a Perriwig. The High-Constable bid her call him down, and she said she would ; but before she called him down, said one of the Constables, let us go and see what he is doing of ; so I went up Stairs : he was at work, but I cannot tell whether it was upon a Perriwig or a Coat. Then Mr *Body*, the next Witness, said, here is a Man in the Closet. The Door was shut to, and I thought it was a Door that went into another Room, and there the old Man was bolt upright in the Closet—It had no Window, but was big enough to put a Close-stool, or a two-armed Chair in ; and Mr *Body* pulled him out, and then somebody searched to see if there were any Weapons, but did not find any ; there was a Shirt in a Pan or a Bason of Water, or Urine : I have got the Shirt here. It was the Left-Arm then that appeared to be bloody, for the Shirt was turned. I did not see it when it was taken out of the Pan ; it was delivered me before the Justice.

N. B. The Shirt was produced, and appeared to be bloody about half way up the Sleeve for the Right-Arm.

Q. When the Shirt was produced, how did they behave ?

John Noel. The old Man seemed to be very much frightened, and said, he had been blooded the *Sunday* before, and that the Shirt was put in Water to soak the Blood out.—I do not know whether the Arm was inspected at the House.

Thomas Coster. The Arm was inspected at the House.

John Noel. I saw the Arm stripped before the Justice. There did not appear to me to be any thing of a new Orifice ; when he was examined before the Justice, he said it was the *Sunday* was se'ennight before that he was blooded ; he said the Person that blooded him was a Barber, who lived on *Saffron-Hill*.

Court. Explain yourself as to the Father's being frightened.

Noel. He seemed to be in a Flurry, as if he did not know what he said.

Q. How did the young Man behave ?

Noel. He said he knew nothing at all of the Matter, and said he would go very quietly with us.

Q. Did you observe in the young Man any Signs of Guilt?

Noel. I did not perceive any Timidity in him, there was in the old Man.

Ralph Coffer. Ask him what I said, when they took me out of the Closet.

Noel. I did not take you out of the Closet.

R. Coffer. Did not I show my Arm then?

Noel. I did not see it.

Court. Lack, Was your Father stripped?

Josias Lack. My Father was not stripped, he was robbed—of a Tobacco-Box, an old Knife, and a Key; and I believe he had about him, between twenty and thirty Shillings, which was lost.

Noel. The Justice desired us to try who the Shirt would fit, and it was tried on the old Man's Wrist, and it would not meet by half an Inch at least, I believe it would hardly meet with a Pair of Buttons.

Coffer. These are the Buttons I had in the Sleeves when I wore it.

Noel. There were no Buttons produced before the Justice: He said there, the Shirt was given him by a Nephew, and he had only wore it that Day; and that it was to be altered and made fit for him.—There is no Mark at all upon it—The Son said he was a Perriwig-Maker by Trade.—There were two or three Razors in the Room, and two or three Staves that they weave their Hair upon.—It looked as if it had been a Room that a Barber had made use of, but not lately, for the Things did not stand in Order for working.

William Body. I went with a Search-Warrant, by the High-Constable's Order, to the *Turks-Head*. Said the High-Constable, *Body*, come in along with me. Said he to a Woman that was there, Who keeps this House? Said she, I do. He asked who was in the House, she said I have no Body in the House but my Son, and he is at Work.—I did not hear her ask'd where her Husband was. I went first into the one Pair of Stairs Room on the Left-Hand, and found nothing; and then into the one Pair of Stairs Room on the Right-Hand. I went into the other Room again, and saw a Button to a Closet-Door, which was not buttoned. I went to open the Door, but I believe he held it within, because it did not open immediately.

Q. Was there any thing on the inside, by which he might hold it?

William Body. It was a common Wainscote framed Door, and a Body might lay hold of the Frame with one's Finger.—I believe it was plain on the Inside.—I did not see any thing of the

Inside, that it might be held by,—it might stick a little. My Lord, when I opened it, there was a Man stood upright in the Closet; said I, What do you do here? Come out.—I was startled a little, for I had no Stick nor any Weapon. The old Man said, I am afraid of Bailiffs, that is the Reason of my hiding myself, I am afraid of nothing else. His Shoes were slipped,—they took the old Man down Stairs.—The young Man was mending a Coat, and he said, My Mother keeps the House, I am not afraid of any thing, What is the Meaning of this? Said they, there is a Murder committed, and this is a Search-Warrant, and you must go along with us; said he, I will follow you down. I thought it best that he should go first, and he readily did so.—The Sleeve of the Shirt lay in a Basin of Water, and the Body lay out of it. The High-Constable said it was requisite to take the Shirt along with us, so I went up Stairs and fetched it down.

Q. How did the old Man behave then?

William Body. I did not see him any more surprised when he saw the Shirt than he was before. At first he said he was blooded the *Sunday* before, so did his Wife, and so did his *Daughter*.—His Arm was stripped up before the Justice, and there was a Man that came from *Islington* that bleeds People, and he said he was sure he had not been blooded for a great while.

Jury. Did you hear that the Person that blooded him had been at the Justice's?

Body. I did hear it said, that the Surgeon that blooded him, had been at the Justice's, and that he was gone, but I did not see him.

R. Coffer. I know no more of it than the Child unborn. This is the Barber that blooded me.

Joseph Chandler. I am a Barber, and Perriwig-Maker, and Bleeder. On the 8th of *August*, that old Gentleman at the Bar came to me to *Saffron-Hill*, to be blooded, between eight and nine in the Morning, and I blooded him in the Right-Arm.

Q. Did you go before the Justice?

Chandler. I was informed, that I was sent for twice, but I was abroad.

Q. I would ask you if a Man has been let Blood eight or ten Days, whether the Orifice will look red or white?

Chandler. Sometimes it will look red for a Fortnight; sometimes it may hardly be seen at all, but will close immediately; sometimes it will be three or four Days, and in eight or nine Days it will look as if it was an old Bleeding. I knew the old Man before he lived there, he kept a House at the Spaw.

Ralph

Ralph Coster. I have Witnesses to prove that my Son and I were in Bed that Night by nine o'Clock. But the Court and Jury being satisfied, they were not examined. Acquitted.

97. 98. *Mary Swinby* and *Jane Miller*, of *St George's Middlesex*, were indicted with *Mary Merrit*, not yet taken, for assaulting *Winifred Owen* on the King's High-Way, putting her in Fear, and taking from her a Handkerchief, an Apron, a Hat, and 17 s. in Money, her Property, Aug. 15.

Winifred Owen. I sell Milk. Last Sunday was three Weeks, between nine and ten in the Morning, as I was going homeward, towards *Stepney*, in *Rag-Fair*, I think they call it, I met with these Women, and asked them the Way to the *Blue Anchor*, they said they would show me: We went about three or four Stones throw together; then they shoved me into an Alley, and gave me a Blow on the Head.

Prisoner *Miller*, Gentlemen, I desire they may be all turned out of Court, and examined separately, which was granted.

Owen. The Blow stunned me, (she is not taken that gave me the Blow, there were five of them) then I said, Lord, have Mercy upon me, What is this for. I clapped my Hand upon my Pocket in a Minute, and caught that little one's Hand (*Miller's*) in my Pocket. Said I, Lord, bless me, all my Money is gone; then one snatched my Apron off, and another my Handkerchief, and another snatched my Hat; the 17 s. in Money was tied up in a Rag.

Miller. My Lord, please to ask her whether she was drunk or sober.

Owen. I drunk! I thought I should have been murdered. God keep me from such People. So I run away, crying, into a little House, for to save my Life. I went to my Sister, and told her of it, who lives just by; and some of the People said, they knew that little short Body, and she was taken up directly. I went to the Watch-House, and they asked me if I knew her? Yes, said I, that is the Woman that put her Hand in my Pocket. Said I, What have you done with my Money? She cursed and swore, and abused me sadly, and struck me before the Justice. I thought she would have killed me, and the Justice ordered her to be tied down. My Handkerchief was found upon her.

2. Are you sure *Swinby* was there?

Owen. Yes and please you, my Lord, God bless you, I know her very well; the-little one had a black Eye then; 'tis pretty well now: That Hand-

kerchief is mine, I worked very hard for it, and that Hat and Apron are mine.

Miller. Ask her if she did not ask for a Dram, and if I did not resent her having one.

Owen. I did not call for any Liquor, God bless you, and please you, my Lord, it is she, if I was to die this Minute, God bless you. — That Woman in the blue Knot, [which was *Swinby*] she was in Company, but I cannot say she did what the others did; — She did not take any thing from me. — I am sure the little one robbed me; God Almighty bless you, I would not tell a Lye for the World: They snatched behind me, and did it so quick, I cannot tell who did it.

Joseph Williams, Constable. I was charged with this Woman to carry her to Prison; this Hat, Apron, and Handkerchief were delivered me before the Justice.

Thomas Butler. The Prosecutrix came to my House, I am her Sister's Husband, and sat about Half an Hour one Sunday in the Morning. — Some time after she went away, I met her full butt between nine and ten, she was crying, and said she had been robbed by four Women, two small ones, a lusty one, and a middle sized one: I heard a Man say he saw four or 5 Women together talking about dividing some Money; I happen'd to go into the *Black-Horse*, in *Well-Street*, and there I saw *Jane Miller*; she was selling the Handkerchief; then I took fast hold of her, and she put the Handkerchief into her Bosom, then I took her to the Watch-house, and charged *Williams* the Officer with her; he kept her in Custody, and then *Eleanor Okley* was taken, and she made her self an Evidence: *Swinby* was taken up upon her Evidence by *Inwin* and *Harris*: A Woman came to me with the Apron and Hat, and said, I had these from the Woman that took them from your Sister-in-Law. — I saw *Miller* take the Handkerchief out of her Bosom, and gave it to another Woman, and that Woman gave it to me: When *Swinby* was taken, she said, she was along with them when they went to sell the Goods, but she had no Hand in the Robbery. — *Jane Miller* told me, she did not drink any Gin in the Prosecutrix's company.

Owen. I drank no Gin with them that Morning, nor never saw them before in my Life.

Miller. Pray, Sir, did not he pull me all along?

Williams. I bid him pull you along because you would not go.

Eleanor Okley. *Jane Miller*, *Mary Swinby*, *Mary Merrit*, and myself, went one Sunday Morning to get a Dram at the *New Exchange* in *Rag-Fair*, and we happened to meet this good Woman, the Prosecutrix,

trix, and she asked for the *Blue-Anchor*. *Jane Miller* made answer, come along with us and we will show you, we all four of us went along with her; when we came into the back Lane, *Jane Miller*, first and foremost took off her Hat; secondly, she took off her Handkerchief, which was upon her Neck. *Mary Merrit* gave the Woman the Blow on the side of her Head, then *Jane Miller* was trying to take off her Apron; then *Mary Merrit* came again, and between them both they untied it, and then we all run away. — I did not see any Body put their Hand into her Pocket — as for the Money I know nothing of it, nor never saw any; I had no intent to rob any Body when I went out in the Morning, and I believe they had not neither — we drank no Gin with the good Woman, we had Gin before.

Jury. Were you sober, or were you in Liquor?

Okley. We were not in Liquor, for we had but Half a Quartern a-piece. *Swinby* was with us, but she did nothing. — I went and left them, and heard no more of it till *Miller* was in the Cage. — *Miller* put the Handkerchief into her Bosom, the Hat and Apron *Mary Merrit* had.

Miller. Ask her if she was not at Mrs *Bun's* drinking Gin with the Prosecutrix.

Eleanor Okley. I did not drink any thing with the Prosecutrix; I was not in any House with her.

Miller's Defence. I was going down *Rag-Fair*, *Okley* stood at the End of an Alley with *Mary Merrit*, they asked me to go to the *New Exchange* to drink a Dram; then I met the Prosecutrix, *Okley* took hold of her, said she, you shall drink a Dram, she said she did not care for a Dram for she had drank enough already: This Woman [that's *Swinby*] and *Bun's* Daughter, went after the Woman, and brought her into a Gin-Shop; then *Swinby* was sitting with her Mistress's Child upon her Lap: I being a little Body like *Eleanor Okley*, they swear against me: *Okley* put her Hand in her Pocket and took out only seven Farthings, said I who must pay for the five Quarters of Gin; and then I took her Handkerchief off her Neck to pay for it: *Okley* made herself an Evidence against me, for fear I should be an Evidence against her; but I had no such Intention, because I knew it was a wrong thing.

Okley. I do not know that *Miller* said any thing to the Prosecutrix, when she took the Hankerchief, that she did it to pay herself for five Quarters of Gin. *Jane Miller*, guilty of the Felony, but acquitted of the putting in Fear. *Mary Swinby* Acquitted.

99. *Bartha Johnson*, otherwise *Sullivan*,

of *St Giles's in the Fields*, was indicted for stealing a Silk Damask Gown, value 21 s. a Sarcenet Gown, value 10 s. and sundry other Goods, the Property of *Jean Chaban*, Widow, September 3.

Mary West deposed. That she found the 2 Gowns, and several other Things of her Mistress's at Mr *Simmonds's* the Pawnbroker's.

Mr *Simmonds*. The Prisoner brought these things to me to pawn, she said they were her own Cloaths, and wanted 4 Guineas on them; said I, these Cloaths do not look to be your's, they do not fit you, she said she lived over the way, I would have sent my young Man with her to know where she lived, but she would not let him go, then I had a stronger Suspicion, and sent for Mr *Harper* the Constable; the Prisoner said she was undone, and owned they were her Mistress's Cloaths; and confess'd she open'd her Drawers and took them out. Guilty.

100. *Hugh Jones*, of *St James's*, was indicted for stealing a Scarlet Camblet laced Waistcoat, val. 30 s. the Property of Sir *Ranelagh Ward*, September 1.

Frederick Williamson. I lost this Waistcoat out of a Bundle of Cloaths; the Prisoner own'd he had the Waistcoat, but said it was given him by another Person, and it was found in the Prisoner's Lodging under the Table. Acquitted.

101. *Edward Rhodes Aris*, of *St John Wapping*, was indicted, that he, with *William Mc Bride*, not yet taken, did steal and carry away, twenty-nine Pieces of Foreign Gold Coin, called Moidores, out of a certain Ship called the *Archibald*, the Property of Persons unknown, July 23.

Mr *Crawford* (the Owner of the Ship) produced an Examination taken by Justice *Dennet*, and signed by the Prisoner, wherein he says that *William Mc Bride* brought a Box on Shore, which was very heavy, and had a great deal of Gold in it, and that he gave this Examinant thirty-five Moidores of the Money.

The Indictment being laid for stealing them, which could not be proved, he being at most only guilty of receiving them, knowing them to be stole, he was acquitted.

The Second Part of these Proceedings, wherein will be contained the Trial at large of William Bird, for the Murder of Mary Maurice, by confining her in the Hole of St Martin's Round-House, shall be published in few Days. Price Six-pence.

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THE
PROCEEDINGS

AT THE

SESSIONS of PEACE, Oyer and Terminer,

FOR THE

CITY of LONDON,

AND

County of MIDDLESEX,

ON

THURSDAY the 9th, FRIDAY the 10th, SATURDAY the 11th,
and MONDAY the 13th of *September*.

In the 16th Year of His MAJESTY's Reign.

BEING THE

Second SESSIONS in the MAYORALTY

OF THE

Right Hon. *George Heathcote*, Esq;

LORD-MAYOR of the CITY of LONDON.

NUMBER II. PART II.

LONDON:

Printed and Sold by T. COOPER, at the *Globe* in *Pater-Noster-Row*. 1742.
[Price Six-pence.]

Of whom may be had, The Trial of James Annesley and Joseph Redding, at the Sessions-House in the Old-Bailey, on Thursday the 15th of July, 1742, for the Murder of Thomas Egglestone.

William Bird, late of the Parish of St Martin in the Fields, in the County of Middlesex, Labourer, was indicted, for that he

on the Sixteenth Day of July, in the Sixteenth Year of his Majesty's Reign, about the Hour of two in the Morning of the said Day, with Force and Arms, in and upon one Mary the Wife of John Maurice, did feloniously, wilfully, and with Malice aforethought, make an Assault; and that he, the said William Bird, into a certain Close-Room, called the Hole, being Part of the Building belonging to St Martin's Round-House, the said Mary Maurice, with Malice aforethought, did force, put, place, confine, and continue for the Space of two Hours, where there were twenty Persons confined, which said Room was not of sufficient Largeness to contain twenty Persons, for the Space of one Hour, without manifest Danger of their Lives; and that the said Mary Maurice, during the Time of her Confinement, on the Day and Year aforesaid, in the Parish and County aforesaid, and in the said Close-Room, was suffocated; and that the said Mary Maurice, in the said Close-Room aforesaid, did die; and that he, the said William Bird, in Manner and Form aforesaid, with Malice aforethought, the said Mary Maurice did kill and murder.

He was likewise charged on the Coroner's Inquisition for the Murder of Mary Maurice.

The Prisoner desired Pen, Ink, and Paper, which was granted. The Court likewise ordered his Irons to be taken off.

Bird. If your Honour pleases, I would not enter immediately into the Trial, but would desire an Hour's Time. I am prepared with Innocence, but my Friends are not all come.

[The Trial was put off for an Hour; when being again brought to the Bar.]

Bird. There is one Favour I beg of you, Sir John, that this poor unhappy Woman, my Wife, may have Egrefs and Regrefs.

Court. She shall, and no Body shall insult either her or your Witnesses.

Bird. Another Thing I beg is, that the Evidences may be examined separate. (Which was ordered)

[Bird then applied himself to Mr Lloyd, one of the King's Council.]

Mr Lloyd. You will have no Hardship from any Body here.

Bird. It's hard I can have no Council; Serjeant Hayward is out of Town; Serjeant Wynne is out of Town; Mr Benny and Mr Theed desired to be excused. Mr Glanville has given his Brief to one Mr Spilthamber, and he has returned it.

King's Council. My Lord, and Gentlemen of the Jury. I am Council with the Gentleman who open'd the Indictment against the unhappy Prisoner at the Bar, and you find that the Crime, with which he is charged, is of no less a Size than the heinous one of Murder.

It falls to my Share to lay before you the particular Facts on which that heavy Charge is grounded, which I will choose to do with all the Plainness I can possibly use, and without any Comments or Observations upon them, 'till I have open'd the whole, that so the naked Story may be considered by you in one uninterrupted Light, and the Application of the several Facts to our Law arising upon them, may be the more clearly understood.

I always look'd on Plainness to be the best, or however the honestest, Eloquence; putting false Colours on Facts is ever unjust, but in Cases where wretched Men are on their Trial at the hazard of their Lives, 'tis not only unjust but cruel; and as the Case now to be laid before you is stated to me in my Instructions, were I ever so desirous and able to use colouring, the Facts are too black of themselves to admit of any additional Horror.

Gentlemen, the Prisoner at the Bar has lived some Time in a Place called the Round-House, in St Martin's Lane; and has for a considerable Time (some Years) acted as a sort of Goaler, and disposed of such Persons as were brought thither in such Manner as he thought proper; this Round-House consists of several Rooms.

On the 16th of July last, very early in the Morning, a Number of People were brought at different Times to this Round-House, I suppose by proper Officers, amongst which the poor unfortunate Woman, whose Death gives you the Trouble of this Day, was one.——Many of them were, as they were brought thither, put by the Prisoner into a Place called the Hole, being under Ground, and about six Foot six Inches in Length, six Foot three or four Inches in Breadth, and about the same Dimensions in Height: I am instructed to say that some who thought proper to spend Money in the House, or to purchase Beds, had more Indulgence than the others, how that Fact may come out I can't say; the Common-Sewer runs underneath Part of this Hole; towards the Street was an Iron Grate which let in some Light and Air, to which there was a Shutter to be put to on Occasion, and through which were several little Slits where some little Air might come when the Shutter was put to, and there was likewise a cut over the Door which served to let in Light and Air; the Closeness of the Place, and the Stench within it, caused by its Situation, and by the

Increase

Increase of the Number of People put in at different Times, occasioned a general Cry of Murder from the poor Wretches within it, they begg'd for Water, for Air; called out that several were in Fits, but without Relief; the Clamours of their Complaints reach'd the Prisoner's Ears, but not his Heart, for my Instructions lead me to say, that he not only refused Relief himself, but hindred others who would have afforded it; for as a Woman was coming to bring them some Water, he push'd her away, spilt the Water, and took away the little Resource of Air which they had, by closing the Shutter—three more Women were brought to the Round-House, and the Prisoner order'd the Beadle to carry them into this Hole, but on his Return from it, he told the Prisoner that 'twas impossible, that the Hole was too full already; and that if they had not more Air they would die. The Prisoner immediately carried the three Women down himself, and on his Return, told the Beadle, what you said could not be done, I have done in a Minute; soon after the Prisoner went to his Bed, and this Hole was no more open'd, till ten in the Morning, and when it was open'd 'tis impossible to describe to you the dismal Scene! Some gasping, and, to Appearance, expiring; some recovered who were taken for dead or dying, by the Aid of the Surgeons; others expired on the opening a Vein, and the poor Woman, for whose Death this Prosecution is carried on, was quite dead.

Having thus briefly and plainly open'd to you the Nature of the Facts, which my Instructions lead me to say will be proved by the Witnesses; I shall take up but a little more of your Time by a few Observations, and which I shall submit to the Direction of the Court.

Two Things are necessary to constitute the Crime called Murder; first, an unlawful killing; secondly, a malicious Intent at the Time of committing it.

And here you'll observe, that I am supposing the Facts to be true, as I have opened them, for if the Witnesses do not prove them, all that I shall say, or have said, ought to pass for nothing.

First then, As to the unlawful killing, I always took it, that the Constable is the proper Officer to confine Persons committed or carried to the Round-House; and I am informed, that the Prisoner was not properly a Constable, and if so, then most certainly all he did was unlawful; but as he has acted for a considerable Time in this Capacity, and has been deemed the Officer, perhaps it would be too hard in this capital Way, to take Advantage of the Want of Legality in his Office, I will therefore suppose him the proper Goaler, I will suppose the Persons lawfully committed to his Custody, I

will suppose all legal to the Time of putting them in the Hole, and yet it will appear that the killing was unlawful.

The End of all Commitments to Round-Houses is, that the Prisoners should be safely kept for the Examination of a proper Magistrate, they are there, as in all other Prisons, in the Custody of the Law, they are sent thither to be preserved for a proper Judicatory, not to be destroyed; and the Goaler is by Law obliged to treat his Prisoners with all the Care, and Tendernefs too, which is fitting and possible. The Law abhors Cruelty, and has an Officer of its own, the Coroner, to enquire into the Death of Prisoners, lest they should have met their Fate by cruel Treatment; in which Case, the Law adjudges the Goaler guilty of Murder: He, by Force of the Law, is to keep, not to destroy his Prisoners; supposing therefore, this poor Woman lawfully in the Custody of the Prisoner; yet, if the Facts opened shall be proved to you, she died unlawfully, so that in such Case, here is the first Thing requisite, an unlawful killing.

The second Ingredient in Murder, is a malicious Intent at the Time of committing it. Malice and Hatred are very different Things: Hatred is a Temper of Mind antecedent to the Fact; but Malice may be a sudden Intent, and expressed at once; thus killing another on a sudden Quarrel, with a dangerous Weapon, is Murder, for the Weapon shews the malicious Intent. In several Acts the Law implies Malice; but in this Case there is no Occasion for implied Malice, for the Acts shew express Malice; if he heard their Cries, or was told by the Beadle of the Danger, Why no Relief? To what else can be imputed one Expression of his, which I am instructed he used, *Let them die and be damned*.

Thus, Gentlemen, I have gone through what I proposed; the Man is to be tried by you; to your Judgment and Impartiality the Evidence to be given must be submitted. You will try him by Witnesses, not by Words; and judge of his Guilt or Innocence, not from what we say within, or others without, but from what shall be sworn here; and if we who prosecute fail in Proof, God forbid the Man should suffer; but if the Facts are proved, surely the Prisoner cannot have any just Claim to your Pity. Other Murders admit of some Circumstances of Palliation, from Provocation,——sudden Rage,——false Notions of Honour, and the like; but if the Man is guilty here, What Compassion can he be entitled to from you, who shewed none to his Fellow-Creatures.

[*Sarah Bland sworn.*]

Council. Pray did you know *Mary Maurice*?

Bland

Bland. Yes, she was the Wife of *John Maurice*.

Q. Were you taken up at any Time? tell us where, and when.

Bland. *Mary Maurice* and I were taken up some Time in *July*, about a quarter of an Hour after Eleven at Night, and carried to *St Martin's Round-House*.

Q. What did *Mr Bird* do to you there?

Bland. We had not sat down more than the Space of four or five Minutes in the Fore-Room above Stairs, but *Mr Bird* came to me, and took me by the Shoulder, and bid me go down Stairs. Said he, Madam, go down these Stairs; and *Mary Maurice* said to him, let me go along with my Cousin; and she went along with me into the Hole.

Q. How many People were there in the Hole, when you went down there?

Bland. There were about twelve or fourteen People.

Q. How many more were put into the same Place?

Bland. There were in all about twenty-four.

Bird. I ask Pardon for interrupting. I think the Question asked, is, What Time they were put down into the Hole, for my Life depends upon it.

Bland. It was about a quarter of an Hour after Eleven; and we were kept there till Ten in the Morning; I was vastly hot, and cried out Murder; and so did almost every Body that was there?

Q. What Time was it you found it so hot?

Bland. About one o'Clock; and it was very hot about four o'Clock. I begged for some Water, but *Mr Bird* made no Answer to that. That Man was there, I believe he was the Beadle, and *Mr Bird* said he could not stand to talk there.

Bird. Please to take Notice, there was an Answer made her by the Beadle.

Court. No, she does not say any such thing.

Bland. I begged for a little Air, and in order to get some, I told *Mr Bird* there was a Woman in Labour, and that some were in Fits, and that there were two a-dying.

Q. What did he say to that?

Bland. He said they might die and be damned.

Bird. What Hour was that?

Bland. I believe it was not five o'Clock in the Morning.

Court. What State of Health was *Mary Maurice* in, when she went down into the Hole?

Bland. She was very well then; but about four or five o'Clock, she was very light-headed, and said to me, Cousin, let me die, let me die, for

God's Sake. She laid her Head upon my Lap for some Time; and her Head dropped off my Lap, she sunk down and I saw her no more afterwards, I was in a Fit myself. There was a Woman came with a Quartern of Gin to some Prisoner there, but I cannot tell who it was for.

Q. What Time was this?

Bland. It was before the Hole was shut up, I believe it was before five o'Clock in the Morning. That the Woman came to the Grate; she had a Quartern-Pot in her Hand; she said there was Gin in the Pot, and that she was going to give it to one of the Prisoners; and *Mr Bird*, by Force, shoved her away, spilt the Liquor, and broke the Glafs. —He called her Bitch, and bid her get away from the Window, so the Woman went away and I never saw her afterwards. Soon after *Mr Bird* came with a Padlock and padlock'd the Window himself. —It is a Shutter with Iron Bars a-crofs, and long Holes cut in it, to let the Light through.

Q. Was it opened before the Watchman broke it open about ten o'Clock in the Morning?

Bland. I do not know that.

Q. What further do you know of this Matter?

Bland. There was Murder and Fire called; there was a Woman brought a Pipe, such as People smoak Tobacco in, and went to the Ale-House and got some Beer, and poured it into the Bowl of the Pipe, and we sucked it through the small End of the Pipe, which was put through the Holes of the Shutter, and some Body came and pushed the Woman and broke the Pipe, so we could not get any more.

Q. You say there was a cry of Murder and Fire, what did no Body come to your Assistance?

Bland. No, no Body. There were four or five in Fits in the Hole, but it being dark I could not tell who were dead and who were alive.

Court. *Mr Bird*, if you have any Questions to propose to this Witness ask them.

Bird. Please to ask her what Time in the Morning her Kinswoman died, with her Head in her Lap.

Court. She did not say she died with her Head in her Lap.

Bird. I will venture to say she said her Head was in her Lap about two or three o'Clock, and then she died.

Bland. She said, let me lay my Head in your Lap and let me die; but I do not know when she died.

Bird. Sir *John*, I am more afraid of my Reputation than I am of my Life. —Ask her whether she has not made Oath that *Mary Maurice* died between two and three o'Clock.

Bland.

Bland. I never did declare any such Thing.

Bird. Ask her whether the Door or Shutter was shut to murder these People, or only to keep them from being drunk, in order to be carried before that Gentleman [Colonel Deveil] to answer the High-Constable.

Bland. To be sure he could not be off of knowing our Distress, for he said, Die and be damned; and there was room enough in the House; whether he heard any Complaint or Cry of Murder, or their being afraid of losing their Lives, whether he heard my Voice, or made any Repartee to it, I cannot tell; but I heard his Voice, and saw him come down several Times with Prisoners.

Bird. Did you ever know me to be such a cruel wicked Dog, as to kill five or six of your Sex?

Bland. No, I cannot say that.

Bird. I should be a cruel Dog if I had.

Bland. He might have relieved us, for there was Room in the House; there was an old Woman who gave him Six-pence not to be locked down with us, what her Name is I cannot tell.

Q. How many Rooms were there?

Bland. There were three Rooms in all, that I saw; there is another Hole besides this, for the Men.

Jury. Were those Rooms full?

Bland. They were not full. There were some that paid for their Beds.

Bird. Who paid for their Beds?

Bland. I do not know who they were.

Bird. Do you know of one *Amy's* striking and assaulting me, and knocking my Candle out of my Hand? Speak plainly, speak the Truth.

Bland. This *Elizabeth Amy*, insisted on going up Stairs to pay her Reckoning, and Mr *Bird* gave her a Push and her Cap came off: I did not see any Body strike him; nor do I know any thing of the Candle's being knocked out. — You had a Candle in your Hand.

Bird. Was I drunk or sober?

Bland. I do not know.

Bird. I happen'd to be entirely sober that Night.

Q. You say *Mary Maurice* went down of her own accord; did she desire to come back again?

Bland. Yes she did; and she cried out for Air and for Water.

Q. Was she brought in by any Officer?

Bland. She was brought in along with me.

Q. What Time did she desire to be let out?

Bland. I believe it was between three and four o'Clock in the Morning.

Q. Do you know of whom she asked to be let out?

Bland. She ask'd Mr *Bird*, and so did a great many more besides her; and when Mr *Bird* came down with more Prisoners, she said, For God's sake, Mr *Bird*, let us have some Air or some Water to relieve us, or take some of us away, and put us in another Place.

Q. What did he say then?

Bland. He said he would give us no relief at all — he did say so indeed, I am sure he said so.

Q. What House was you and *Maurice* brought from?

Bland. No House at all, we were taken up by the *Porto Bello*, just by the Round-House.

Q. What sort of a Woman was *Mary Maurice*, was she short or tall, fat or slender?

Bland. She was of a middling Size, a little inclinable to be Dropfical.

Q. Who put you into the Hole?

Bland. I am certain Mr *Bird* was the Person who had the Key, opened the Door, and put us down; he took me by the Shoulder and shoved me down Stairs.

Q. *Robert Churchman*, Do you know a place called the Hole belonging to *St Martin's Round-House*?

Churchman. I am a Carpenter; I was sent for to measure it; you go up four Stone Steps into the Round-House, and this Place is below these Steps: The Height of it is six Foot two Inches; the Length and Breadth six Foot six, by six Foot two; the Window is two Foot six, by one Foot six; there are some Iron Bars, but no Glafs, there is a Shutter which puts up with three Slits, about a Quarter of an Inch wide, and about 18 Inches long (but I never measured it); there is a Door to the Passage leading to the Hole, and opens into the Hole, two Foot wide, the Door does not go up to the Top by nine Inches or thereabouts, and there is another Room for the Men which is eight Foot five, by six Foot three, and there is a Passage nine Foot three by four Foot ten, which leads from the Women's Hole to the Men's Hole; and there is a Door at the Head of the Stairs. — If the Hole had been left open the Prisoners would have been secure by the Door at the Top of the Stairs, but then the Men and the Women might have gone to one another, which is not customary.

[*Robert Bushel*, Beadle of *St Martin's*, sworn.]

Q. Do you remember the Time that a Number of Women were brought into the Round-House?

Bushel. Yes, it was the 16th Day of *July* last.

Q. Do you know what Time any of them began to be brought in?

M

Bushel.

Busbel. They began to be brought in about eleven o'Clock, and none were brought in after four.

Q. Do you know what Time the Deceased *Mary Maurice* or *Sarah Bland* were brought in?

Busbel. No! there were so many of them that I cannot tell their Names. — I was there all Night.

Q. Do you know how many People were put into the Hole that Night?

Busbel. I believe there was about twenty People in all?

Q. Do you remember three Women being put down into the Hole?

Busbel. I was ordered to put three Women into the Hole by the Prisoner at the Bar, it was about five o'Clock in the Morning, before the Constable went away. I opened the Door of the Hole, and saw the Hole was so full that I did not think it reasonable to put any more in: — There is no Lock to it, only two Bolts.

Q. What Condition were the People in then?

Busbel. They seemed to be pretty much crowded, but did not cry out: said I to Mr *Bird*, if you put them in you will stifle them; but if you bolt the upper Door, and open the Door of the Hole, there will be room enough for them: Mr *Bird* ran down pretty hastily, and put them in; and when he came up again, he said, *Busbel*, I have put them in in a Minute, though you would not put them in.

Q. Did you think there was any Danger in doing it?

Busbel. I did it out of Compassion to these poor Creatures.

Jury. Did you hear any of these poor Creatures cry out for Help?

Busbel. No, I did not indeed; I did not hear any Outcry all Night, and I staid till five o'Clock, though four was our Hour to go away.

Q. Did you hear any cry of Murder?

Busbel. No, I did not, and if there had been any, I must have heard it.

Jury. Did Mr *Bird* sit with you.

Busbel. Mr *Bird* was pretty much at that End of the Table all the Night.

Q. Did the Prisoner make any Answer when you said they would be stifled.

Busbel. He did not make any Answer.

Bird. My going down then was not to put People in, but to see that they were safe.

Busbel. The Constable of the Night and I went away just about five o'Clock; and just before we went away, he went down three or four Steps; he did not go into the Hole nor into the Passage, but followed Mr *Bird*, with his long Staff in his Hand,

and *Bird* went quite down; for that was the Time they were put in.

Q. When you went down, what Sort of Air was there in the Place?

Busbel. There was a little wooden Door opened on the outside of the Round-House next the Street, and that was opened by the Constable's Order before we went away. — There is a Common-Sewer always runs under it.

Bird. I beg the Favour of you to ask him, whether at the Time of my going down, it was not the Care of the Constable; whether it was not at the Constable's Request; and whether I did not say upon the Stairs, What do you bring them down for? I have more than I know what to do with already. And whether Mr *Akins* [the Constable] did not say, I will have my House cleared?

Busbel. I cannot say I heard any such Thing.

Q. If the Constable had ordered any such thing, must you not have heard it?

Busbel. I think I must.

Elizabeth Surridge. I was carried to *St Martin's* Round-House, between twelve and one, and I staid drinking till about three o'Clock in the Watch-House, up Stairs; then I happened to fall a-sleep by the Fire Side, and Mr *Bird* came to me, and said, Come, you Bitch, you shall not sleep here: And then he put me and two other Women into the Hole. — Mr *Bird* himself put us down.

Q. In what Condition did you find the Place, when you came into it?

Surridge. It was very hot; not fit for so many People to be there.

Q. Was there any Stench there?

Surridge. Yes, there was the Stench of a Necessary-House. — The Door was fastened presently after we were put in.

Q. Did you make any outcries?

Surridge. We desired not to have so many People in the Place; before *Mary Wood* came down, some of the Prisoners joined to get a Dram; there was a poor Woman brought it in a Bottle, and *Bird's* Son said, You will all get drunk before Morning, and shut the Window up, to prevent our having a Dram, but he opened it himself again, in about ten Minutes; and it was not a quarter of an Hour before it was shut again. Mr *Bird* shut it his own self; he padlocked the Window, and said, Now, you Bitches, you shall not have the Window opened, but die and be damned; and the Window was not opened afterwards, till about ten in the Morning. — This was about six o'Clock. — Some of us sat in our Shifts, one Woman sat naked; for it was so hot, I thought I could not live. We cried out

out Murder and Fire, and told him there were People in Labour, for there were two Women big with Child. I beat with my Shoe against the Wainscote, and all this would not do, no Body came to us.— I did not see Mr Bird after he shut the Window up. *St Martin's* Clock had struck ten before the Window was opened. I thought every Minute an Hour. Then a Watchman came and opened the Window. I took hold of a Woman's Arm that was dead; said I, Here is one Woman dead, and the rest are a-dying, and they took no Notice of that; but Mr Bird hurried us before the Justice. When I came out of the Place, I drank a Pint of dirty Water myself, and said, For God Almighty's Sake, to Mrs Bird, give me a little Water, for I am almost perished, and at last she gave me a Pint of fresh Water.

Q. Who was it that was dead?

Surridge. I cannot tell, I did not know any of them.

Q. How many were there dead?

Surridge. Three I can swear to, if not four, — they lay all along, they did not speak.

Q. How do you know they were dead?

Surridge. One of them was Stone-dead, her Face was as black as my Shoe, and the others looked as if they were dead or dying. I said to the People above, that one of the Women was dead, and the rest were a-dying.

Q. Who did you beg Water of?

Surridge. We begged it of People on the outside of the Window, going by. I sent to my Landlady, and she came and offered Money for *Mary Wood* and me to go out of the Hole; and they said they could not let any Body out, for Mr Bird was in Bed. We sent for a couple of Pipes, and the People put the small End of the Pipes through the Shutter, and *Mary Wood* and I sucked Water through the Pipes.

Q. Did any Body else suck Water out of the Pipes?

Surridge. No.

Bird. Look at me, the Law says the Accuser and the Accused shall look Face to Face. [*She turned her Face towards him.*]

Q. How many People were there in the Hole?

Surridge. There were about twenty People.

Q. How many People will the Place conveniently hold?

Surridge. I believe about eight or nine.

Q. Was there not room enough for a great many People in that Room where you staid till three o'Clock in the Morning?

Surridge. There was room enough for a great many more than were there, and there were People that I could hear walking over Head that were Prisoners; they might have brought a great many Prisoners out of the Hole, and have put them into other Rooms.

Q. Would the Passage between the two Holes hold a great many People?

Surridge. I believe it would hold about seven or eight, and if we had had Liberty of being upon the Stairs, I believe none of us would have been dead.

Bird. I would ask her whether I came in a tyrannical Manner; or only in Subserviency to the Constable? Did not Mr *Busbel* go down with me?

Surridge. No indeed he did not.

Jury. Please to ask the Woman whether she heard of any Body's beating the Candle out of Mr Bird's Hand?

Surridge. I did not hear any thing of that.

[Mr *Churchman* called again.]

Q. Mr *Churchman*, you have measured this Room; how many Persons will this Room contain, to have reasonable Room without doing them a Prejudice, or their being in danger of their Lives.

Churchman. I believe there is room for twenty People if there was Air let into it, for there are Benches all round for them to sit on.

Bird. I desire this Question to be asked her; whether about five o'Clock, when you went down, there was not a singing or hallowing?

Surridge. There was a Noise of People's talking.

Q. Was there any Rejoicing?

Surridge. It was not a Place to rejoice in, there was no singing that I know of.

Bird. Ask Mr *Busbel* if he did not hear singing there?

Busbel. I did not hear any singing, nor any crying out, and I sat where if there had been a cry of any Thing I must have heard it.

Jury. Mr *Busbel*, is he reckoned a cruel Man to his Prisoners, or does he treat them with Humanity?

Busbel. He is reckoned to be pretty hasty.

Bird. Answer the Question plainly, am I reckoned cruel?

Court. A merciful Man may be hasty, is he cruel or humane?

Busbel. He is pretty cruel, my Lord.

Q. *Mary Cofier*, Were you one of the unhappy Persons who were taken up the 15th or 16th of July?

Cofier. I was taken up the 15th between eleven and twelve at Night.

Q. What Place were you carried to?

Cofier.

Cofier. To the Watch-House in *St Martin's*.

Q. What Room were you put into?

Cofier. I was put into the Hole directly.

Q. Who put you down?

Cofier. The Man of the Watch-House.

Q. Look round and see whether you know the Person that put you down?

Cofier. It was that Man, the Man with a Paper in his Hand, [*That was the Prisoner at the Bar.*]

Q. How many People do you reckon were there when you were first put in?

Cofier. I cannot say exactly——there might be about twenty People; the Place was almost full.

Jury. You say it was almost full; how near was it being full?

Cofier. I cannot say how many more it would hold, for I think the Place was full when I went down, but they crowded in more afterwards till four o'Clock in the Morning.——It was so dark I could not well tell how many were there; but in the whole I believe there were twenty-seven or twenty-eight.

Q. Was there any Complaint of Heat in the Place?

Cofier. Yes, and we cried out Fire, Murder, for Christ's Sake let us have Water; for the Lord's Sake a little Water, for we are stifled with Heat; I would have given four Shillings for a Gallon of Water.

Q. Did you say so to any Body that came down Stairs from the Round-House?

Cofier. I cannot say that; we cried out as loud as we could cry out; when the Window was open a Woman came and brought her Sister-in-Law a Quarter of Gin, and *Bird's* Son told his Father; and *Bird* came out and pushed her down, and shut up the Window of the Hole himself, and said they should have nothing at all.

Q. Did you hear him say so?

Cofier. Yes, I did.——It was between four and five o'Clock in the Morning, and the Window was shut up from that Time till a quarter of an Hour after Ten——it was that Time when I went out.

Q. How were you forced to sit?

Cofier. We were very much crowded, I never have been my self * since: My Thighs were so black I could not tell what to do with them; this Handkerchief was as stiff as Buckram, with Sweat from the Heat of the Place.

Jury. When there was a Quarter of Gin brought to the Window, I desire to know whether she apprehended, that *Bird* shut up the Window to prevent the bringing them more Gin, or maliciously to do them a Prejudice?

Cofier. I cannot tell that.

Q. Were any of the poor Creatures in Fits?

Cofier. In the Time I was there, there were four or five in Fits, from the Heat of the Place; but *Ann Branch*, the little crooked Body in the red Cloak, died on this Side of me, about seven o'Clock in the Morning. I held her up as long as I could, for I was very weak myself.

Q. Were there any People lying dead upon the Ground?

Cofier. Yes: But I did not know they were dead; for I strove to awake them, thinking they were asleep: I was the last that came out alive but three, and I shook two of them to awake them.

Q. How many were found dead when you were let out?

Cofier. Four, Sir.

Q. If that Door had been open that leads to the Stairs, would there have been room enough for you?

Cofier. Yes, I believe there would; I would have given a Shilling for a little Air for half an Hour; about three or four o'Clock in the Morning, one of the Women in the Hole would have given him a Shilling for a Pint of Wine.——She would have given Mr *Bird* a Shilling to speak to him, or drink a Pint of Wine with him: He said, Damn you, you Bitch, for your Sake, all shall suffer; then I made Answer, and said, it is hard that all must suffer for one. What Answer he made to that I cannot tell.

Q. How do you know it was him?

Cofier. Because it was at the Time he brought that Woman down, and he had a Candle in his Hand.

Bird. Do not look one upon another, look at that Gentleman.

Q. Did any Body strike that Candle out of his Hand, or put it out?

Cofier. No Body, Sir.

Q. Was the Candle put out?

Cofier. No, Sir.

Q. Have you seen that Woman lately, that would have given him a Shilling?

Cofier.

* The Witness appeared to be in a weak Condition, and soon after she had given her Evidence fainted away.

Cofier. I saw her just now, but I do not know her Name.

[*An Officer with a Person named by the Prisoner, were sent with this Witness, for her to bring from among the other Evidences the Woman who offer'd Bird the Shilling, and she returned with Elizabeth Amey.*]

Bird. Who were you brought by ? for I do not find your Name here [*A Paper in his Hand.*]

Cofier. I was brought by two Watchmen.

Bird. Was any Body brought with you ?

Cofier. No, I was brought by myself.—I was at the Cook's Shop.

Bird. There were none came in singly, but were brought in two and three at a Time.

Q. How were you when you came out of the Hole ?

Cofier. I was so thirsty by the Confinement, and Heat of the Place, that I drank four Pints of dirty Water, and then I drank all the Water out of a Tea-Kettle which stood in the Corner of the Place ; I do not know whether that was clean Water or not ; a Gentleman brought three Pails of Water, and I drank three Quarts of that, but I brought it up again.

Q. *Elizabeth Amey,* Were you taken up at any Time and carried to the Round-House ?

Amey. I was taken up about twelve o'Clock at Night ; I do not know the Day of the Month ; we went up Stairs, and staid there till between two and three in the Morning, we drank three or four Pots of Beer, and some Shrub ; I went down into the Hole on my Occasions : *Bird* followed me down ; pulled my Cap off, and beat me with a Key : I cried and screamed, and desired to go up and pay my Reckoning, and he said I should not ; the Air, on opening the Door, was as that of an Oven : I complain'd of Drought ; and he said we might all stay there and be damned, for he would not let us out ;—he said something of Bitches.

Bird. Look at me, *Mrs Amey,* see if you know me.

Amey. I do ; I know you to be the Person who pulled my Cap off, and beat me with a Key ; and said, Die and be damned, that was too good for us. I bid a Shilling for a Quart of Water, and four Shillings for a Gallon of Water, and he would give us none.

Q. Who bid the Money ?

Amey. I did myself.

Q. What Time was this ?

Amey. It was about four o'Clock.

Q. Who shut the Window up ?

Amey. Mr *Bird* himself shut up the Window, upon the Account of a Quarter of Gin that was

brought there, and the Window was never opened any more.

Q. When the Window was shut up, did he make use of any Expression that you might die and be damned ?

Amey. He said he would not open the Window, for we should all get drunk with Gin, and we might die and be damned : I myself offered him a Shilling for a Pint of Wine, if he would let me go up Stairs again ; and he said I should have nothing, for I was an insolent saucy Bitch.

Q. Were there any great Outcries ?

Amey. Yes : there were Cries as of People in Labour.

Q. Did he hear them ?

Amey. He knows very well it was so.

Bird. Ask her what Time the Window was shut up ?

Amey. It was about five o'Clock.

Bird. She says it was about five o'Clock, when the Window was shut up : Ask her whether there was any Body there besides me that could hear their Complaints.

Amey. No Body but his Son, I believe ; his Son said we were a pack of Bitches, and wanted Gin, and be damned.

Jury. Was there room above Stairs for many more People ?

Amey. There was room for a great many more, and in the Hole I really believe there were four or five and Twenty when I went in, and four were brought after : And Mr *Busbel* said to Mr *Bird* ; you had better open the Door, and then there will be room for them, and Mr *Bird* said, Damn them, let them make room.

Bird. Did not you assault me and beat the Candle out of my Hand.

Amey. I did not beat the Candle out of his Hand, nor blow it out.

Bird. Did any Body else do it ?

Amey. No, no Body else.

[*John Leathes sworn.*]

Q. Were you at the Round-House on the 16th of July.

Leathes. I was going by the Round-House between one and two in the Morning, (I do not know whether it was the 16th or not) and hearing there were a great many People taken up, I went in : Mr *Bird*, the Prisoner at the Bar, was there.

Q. Was you down with the Women there ?

Leathes. Yes, I went out of Curiosity to see what Girls were there ; for I did not know, but I might know some of them.

Q. Are you sure *Bird* went down ?

N

Leathes.

Leathes. I am positively sure he was down : I desired him to let me go down, which he did ; but there was none of the Girls I saw, that I knew ; they were dirty Creatures.

Q. Did not you tell *Bird* you had a mind to satisfy your Curiosity ?

Leathes. Yes, and I said I would give him a Pint of Beer ; and he said stay a little and he would ; and he went down with three Prisoners, and I went along with them.

Q. Was there any Stench in the Place ?

Leathes. Yes, a very great one ; and not being used to such Smells, I thought I should have been suffocated, for I believe if I had staid there five Minutes, I should have dropped down ; I told him the Danger these poor unhappy Creatures were in, and that if he put any more in, or let them stay there till Morning, they would be dead ; and he said, Let them die and be damned.

Q. Was the Room crowded, or how many might be in it ?

Leathes. The Room was very full, but I did not tell the Number of People, for I did not care to stay there long.

Q. Did you hear any Complaints or Cries ?

Leathes. I heard a Moaning while I was down, as if some Body was dying : This was between two and three o'Clock. I did not go down at first when I came in ; for I waited Mr *Bird's* Leisure.

Q. During the Time you were there, did you hear any Cries of Murder or Fire, or want of Water ?

Leathes. No, I did not ; nor nothing particular, only he was abusing the Prisoners ; cursing one and damning another, and laying out the Law in an arbitrary Manner.

Q. When you were below and heard that low Tone of a Voice, did you ask the Reason of it ?

Leathes. No, I did not : I thought some Body might be sick or melancholy.

Q. Did you hear them ask for Water ?

Leathes. I heard some of them ask for Water, and one ask'd for Gin.

[*Robert Burns*, a Soldier, sworn.]

Q. Were you at the Round-House that Night there was such a Number of People put in there ?

Burns. Yes : I was put into the Round-House about one o'Clock in the Morning. I drank and smok'd with Mr *Bird* for about three Hours ; and after I had spent my Money, I was put down into the Hole, into the Mens Hole.

Q. How many were there ?

Burns. About eight or nine Men. It is just adjoining to the Place where the Women were.

Q. How long did you stay in the Hole ?

Burns. I staid from four o'Clock in the Morning till about a quarter after Ten.

Q. How much Money did you spend there ?

Burns. I think it was two or three Shillings, I am not certain.

Q. Was that all the Money you had ?

Burns. No, I had a Matter of three Guineas and an half in my Pocket.

Q. In whose Company were you ?

Burns. There was Mr *Bird*, and I think the Constable of the Night.

Q. Was there any Complaints or Cries ?

Burns. While I was there, the Women were quarrelling, and making a great deal of Noise ; and they were laughing above Stairs ; I heard two or three of them were dead.

Q. Who shut the Windows ?

Burns. I do not know who shut them. I offered half a Crown several Times to have the Light kept open, which was shut before five. The Women called out Murder, enough to frighten any Christian to hear them. You might have heard them from that Place, almost to *Charing-Cross*. They called out for Air and Water ; and I believe if they had staid there ten Minutes longer, that every Soul of them would have been dead, for they were half of them almost dead when they came out. The Smell was enough to knock one down. I was almost suffocated myself. One of them came up as naked as she was born, — two of them were dead before six o'Clock. While I was above Stairs with Mr *Bird*, and smoking my Pipe, I heard them cry out.

Q. Did you know what they said ?

Burns. I did not take any Notice of it then.

Bird. I think you are a Man of Honour and a Christian ; What Time did you go down into the Hole, and who put you there ?

Burns. It was about four o'Clock in the Morning, and it was by your Order.

Bird. I had nothing to do with it ; was not you drove down Stairs headlong, and your Hat knocked off ?

Burns. Yes, I was thrown down Stairs, but it was by your Order.

Bird. I did not say any thing of the Serjeant's being sent down. I said if I can get those drunken Fellows down Stairs, you shall all come up again.

Burns. He did not say any such Thing. You told me, you House-keepers maintained us, and such Stuff as that.

Bird. That was when we were talking about military Affairs.

Court. Do you think he was in Liquor ?

Burns.

Burns. Yes, I am sure he was, for he drank a great deal along with me.

Bird. I did not put him down.

Edward Kelk. I live in the King's *Mews*, next Door to the Round-House.

Q. Do you know any thing of any Cries there, the sixteenth of *July* in the Morning?

Kelk. I cannot say as to the Day of the Month, because I did not set it down; nor whether it was Morning or not, because I went to Bed at nine o'Clock. I know nothing against the Man. I cannot say I heard much crying out that Night, I have heard more Noise some other Nights. I heard a Noise; they were making Orations, but whether they were rejoicing, or what it was, I could not distinguish.

Q. Did you hear any Thing of Murder or Fire cried out?

Kelk. I did not hear any Thing of Murder or Fire cried out.

Q. *George Colclough*, What Business are you of?

Colclough. I am a Barber, Perriwig-Maker, and Surgeon.

Q. Were you sent for to bleed any Body at *St Martin's Round-House*?

Colclough. Yes; on the 16th of *July*, at half an Hour after ten, or about eleven in the Morning, I was sent for; the Person that came, said, For God's Sake, Mr *Colclough*, come and bleed one who is very ill; I went to the Round-House; when I went down the Stairs, I saw a young Woman lying upon the Ground. I bled them first who were in the most Danger. One Mr *Perkins* was there, said he, Mr *Colclough*, shall I come to your Assistance? I said, there is need enough of it, so he assisted me. There was one of the Women, I believe, had been dead two Hours. When I came to this Woman that I saw first, she was got up to the Ground-Floor. I bled her, sent for a Chair, and put her into it, and gave her Wine and Water. Then I went and bled another Woman at the Plough-Door, in the Street, and took others to the Workhouse; and one of those in the Workhouse was two Days before she spake to me; one was quite dead when I went in, another was near expiring, and two more died.

Q. What do you think to be the Occasion of their Death?

Colclough. They were suffocated with Heat, and smothered.

Q. Did you know *Mary Maurice*?

Colclough. I knew none of them by their Names. — The Heat was enough to kill me, I could hardly bear it. I was wet quite through my Coat,

Waistcoat, Shirt, and all, so that I thought I should have died; and I was not there above a Quarter of an Hour: but I thought it my Duty to do what Service I could to my Fellow-Creatures.

Court. How many do you think this Room would contain conveniently?

Colclough. I should think eight enough.

Q. But suppose twenty Persons were to be confined in this Room for an Hour, what would be the Consequence of that?

Colclough. I think, if I was to be confined there an Hour, I must inevitably die.

Q. Do you think if twenty Persons were to be confined in this Place for an Hour together, it would manifestly endanger their Lives?

Colclough. I should think I might live when I came to a little Air.

Court. I wish you would attend to a Question when you are upon your Oath: Do you think if twenty People were confined there for an Hour, they would not be in manifest Danger of their Lives?

Colclough. I think they must be in manifest Danger.

Court. Now you answer the Question.

Bird. I desire to know who sent for him, for it was I that sent.

Colclough. It was *Broadbent* the Beadle that came for me; I cannot tell who sent him. I saw Mr *Bird* very busy a writing, and his Wife vastly concerned.

Bird. Did you see any Thing in my Behaviour that was bad?

Colclough. No: Nothing in particular.

Bird. Did not I send for the Chair?

Colclough. When I asked for the Chair, *Bird* said he would send for it, but the Chair never came.

Q. What Chair is that?

Colclough. The Work-house Chair; and it did not come till I sent for it a second Time.

Bird. I can prove it came immediately, as soon as the proper Person was sent for it.

[*John Perkins*, Surgeon, sworn.]

Q. Did you see any Woman that died in the Round-House, the 16th Day of *July* in the Morning.

Perkins. On the 16th of *July*, about 11 o'Clock in the Morning, I was sent for to these unfortunate People. When I came to the Round-House, I saw a Woman in Convulsions. I bled her. She bled very slow, and was dying; and I think she died in about half an Hour or an Hour. I was told, there were more of these unfortunate People that

that wanted my Assistance. There were three more in Convulsions in the Hole: One Woman my Servant-bleed, another Mr Colclough bled. I gave proper Orders for these People what to take. I was afraid they would have died, but Nature helped, and with a little Assistance they recovered. There were four of them dead in the Bone-House of St Martin's Church-yard.

Q. As you are a Surgeon, you can give us your Opinion: What do you think to be the Occasion of their Deaths?

Perkins. I believe they were suffocated for want of a due Quantity of Air: Their Faces were bloated, and the Blood was stagnated; I looked as far as their Breasts, and they were black, and they were so down to their Fingers Ends.

Q. What Colour were their Faces of?

Perkins. Not quite black, but of a livid Colour.

Q. Is that the common Appearance that Persons have who are suffocated for want of a due Quantity of Air?

Perkins. Generally, I believe; but there are some Persons who die a natural Death, that are a little livid.—I was not down in the Hole, but I was willing to do the best I could for the Service of those poor Creatures who were alive, that they said were dying.

Council. In order to ascertain that Mary Maurice was one of the Persons who died in the Hole, I would ask Bland what Clothes she had on.

Q. What Clothes had Mary Maurice on?

Sarah Bland. She had a black Petticoat, and a white Gown like a Bed-gown, it was a long Gown.

[Elizabeth Surridge called again.]

Q. Did you take any Notice of any body that lay dead in the Hole?

Surridge. When I went down for my Handkerchief, I saw them all lying there; and the Woman that I saw in the Bone-house, was the same that I saw in the Hole; she had a whitish Gown, and a black Petticoat.

John Maurice. I saw my Wife, Mary Maurice, in the Bone-house, the Day the People were carried before the Justice: She had a white colour'd Gown, a black Petticoat, and red Shoes.

Council. I must trouble a Gentleman I see upon the Bench with one Question. Colonel De Veil, do you know the Prisoner at the Bar.

Colonel De Veil. I know him very well, Sir.

Bird. Can a Man be a Witness that offered to lay five Guineas to one that I should be hanged?

Colonel De Veil. I never said such a Thing in my whole Life. I believe the Gentlemen that appear here upon this Occasion will declare, that I never spoke to one of them, but only sent them the Depositions.

Bird. I have it so here.

Colonel De Veil. At the hazard of my Life I went into the Mob, brought him off and saved his Life.

Bird. That was after you had published it in the News, and made me appear to be as cruel a Dog as ever lived.

Colonel De Veil. Can you prove I put any thing into the News?

Court. Do not interrupt the Evidence, this only tends to confound us.

Council. I would ask Colonel De Veil whether he has ever given this Man any Directions with respect to the Prisoners that are committed to his Charge before this happened?

Colonel De Veil. I sent for him twice to let him know the Complaints that were made against him for putting People into that Hole, who were not Felons; for I always apprehended that Place was only fit for People who were refractory, and for Felons, I only thought it fit for such People:—He never sent me Word of any Bodies being dead in his Round-House: I had examined thirteen People before I knew any thing of the Matter, and when I knew how they were I discharged them immediately; and I did not know but some of the People who were in my Yard might have died there; I believe it was about twelve o'Clock.

Bird. Do not go to save your Reputation at the Expence of my Life, but be upon Honour.

Colonel De Veil. I had sent out a Warrant; the Warrant was to be returned at eight o'Clock in the Morning. I examined thirteen Prisoners before I knew of any Thing that had happened in the Round-House.

Q. How long may it be from the Time of your giving him those Directions and this thing happening?

Colonel De Veil. It might be half a Year between the Time of my giving him that Caution and this thing happening?

Bird. My Lord, I am very unhappy in having my Papers destroyed: I was in hopes I should have found them: I do acknowledge I had two Summons's from him, one of them was to know why I discharged two Persons, without Orders from him, for cursing the King; and the other to know why I did not quarter two Soldiers, when I never had any Licence.

Court. You hear what he says, is it so?

Colonel De Veil. Upon my Oath I sent for him twice to check him for that very Thing I have mentioned: I do not know whether it was by written Summons's, or whether I sent for him by a Message.

Bird.

Bird. If he had sent for me I should out of Complaissance have gone, for I never was afraid of any Thing.

Court. They have gone through the Evidence for the Prosecution, and now it is your turn to offer what you have to say in your Defence; do not hurry yourself, and I hope every one that is within hearing will consider a Man, that stands upon Trial for his Life, and I should be injurious to the Person who is the Prisoner at the Bar, if I should not turn every Body out of Court who will not be silent.

Bird. My Lord, and Gentlemen of the Jury; I am the Person who is so unhappy as to be indicted here for Murder; I had but seven Witnesses, one of which is in the Hospital, in a Salivation; and *Busbel*, who is the principal, has sworn himself out of it.

[*Elizabeth Beaumont* sworn.]

Q. Were you carried to the Round-House that Night the Women were confined there, and some of them died?

Beaumont. Yes, I was carried there about half an Hour after eleven o'Clock at Night.

Q. Where were you put when you first came in?

Beaumont. Into the Drinking-Room?

Q. How long did you stay in the Drinking-room?

Beaumont. Till five o'Clock in the Morning.

Q. What came of you afterwards?

Beaumont. Those that were in the Drinking-Room were all put down.

Q. Who were in the Drinking-Room?

Beaumont. I cannot justly tell, but the Constable and the Beadle insisted upon putting them all down before they left the House, and they were all put into the Hole, but I was not: Mr *Bird* went down to put them in, and I followed him down in order to go in; and he pushed me up again, saying, What Business have you here, I have more than I know what to do with or can shut in; and he came up and left the Door of the Hole open: He said he would not have them stifled under him; for he would not shut the Door; there were five or six came up with me.

Q. How came the rest not to come up?

Beaumont. I cannot tell; Mr *Bird* said he could not shut them in; and he said, leave the Door open, and let them be upon the Stairs all Night to give them Room: The Constable of the Night, and the Beadle, insisted on having the House cleared before they went to Bed; or else they said there would be nothing all Night but drinking Gin and smoking Tobacco: The Constable of the Night, and the Beadle, came up again and said to Mr *Bird*, Damn

you, I have shut them in, why could not you? Mr *Bird* insisted on having the top Door shut, and the under one left open, and said, they could not break through an Iron Door and Stone Walls. I paid for a Bed and went up, and Mr *Bird* and his Wife came up and laid down till about nine o'Clock, when they opened the Door.

Q. From the Time of your coming in, did you hear any cry of Fire, or Murder, or Water, or any cry whatsoever?

Beaumont. I did not hear any — about three o'Clock in the Morning, the People above asked for some Water, and had some brought them; I heard none below call for Water.

Q. Where was you?

Beaumont. I was in the upper Room.

Bird. There were none put down till they were forced by the Constable and Beadle, for I would have had them all have staid above; pray ask her, as to the Liquor that was sold that Night, whether there was any till it was at their own request; and that was sent for from a Night-House.

Beaumont. Several Gallons of Beer were sent for, but I do not know from whence it came, but there was no other Liquor.

Bird. Where did I sit?

Beaumont. He sat next to the Constable of the Night.

Bird. Did I oblige any People to send for Liquor?

Beaumont. No, Mr *Bird* said he did not desire them to send for any.

Jury. Did you pay any Money to Mr *Bird* for staying above, and having the Use of the upper Room?

Beaumont. No, I had no Money.

Jury. Did you promise any?

Beaumont. No, I did not.

Q. Did you go into Bed?

Beaumont. No, I did not go into Bed.

[On the cross Examination.]

Q. How came it that you had this Liberty more than any Body else?

Beaumont. There were several Gentlemen above Stairs, who were Officers of the Parish, that desired I might not go down into the Hole.

Q. Were there any that desired to be kept above Stairs?

Beaumont. No, I did not hear any.

[*Mrs Amey* was going to speak; says *Bird*, Pray, *Mrs Amey* hold your Tongue, I shall show your Character by and by.]

Q. Was *Busbel* there.

Beaumont. *Busbel* was there, but he was very drunk.

O

Q. Are

Q. Are you sure the Constable of the Night and the Beadle went down with the Prisoners?

Beaumont. Yes, I am.

Q. What Time was that?

Beaumont. It was about 5 o'Clock, and they went away immediately.

Q. Who made use of that Expression, Why could not you do it as well as I?

Beaumont. It was the Constable of the Night, or the Beadle, and not Mr Bird.

Q. Mr Busbel, do you remember this Woman's being there?

Busbel. She was not there when the Constable of the Night went away; she was gone to Bed: She was not down at five o'Clock.

Jury. Mr Busbel, were you not in Liquor?—

Busbel. I was as sober as I am now.

Q. How near was the Room she went to Bed in, to that you were in?

Busbel. It was up one pair of Stairs.—I went down a little before they were put down into the Hole; and I told him, I could not put them in. The Constable went down three or four Steps, and Bird went before him; I saw the Constable upon the Stairs all the Time, he went no farther I am sure of it.

Q. I want to know for what Purpose he went down; whether it was to have the House cleared, or what it was for?

Busbel. I believe he went to have them put in.

Bird. Did not Amey knock the Candle out of my Hand?

Beaumont. I did not see any Thing of that: I did hear of the Candle's being put out, but I cannot tell who did it; but the Candle did go out.

Bird. There was no Occasion for another Candle to be brought, if the Candle I had was not out: The Candle was out, and another brought down: You saw that?

Beaumont. I saw the Candle was out, and there was another brought down. Mr Bird was almost dead among them with the Heat and stirring about.

Bird.. 'Tis very odd the High-Constable should not come to have let me know what I must do with People.

Council. You say you went up Stairs again with five or six People: Where was Bird then?

Beaumont. Bird followed me close up Stairs.

Q. How came the Constable and Beadle to be so favourable to you, as to let you go up, when they put the others down?

Beaumont. The others did not desire any such

Thing.—Those five or six that came up desired to be in the Drinking-Room all Night.

Q. You said before, you desired a Bed, and said you would pay for it, and that was the Reason you were not turned down.

Beaumont. I do not remember that I said any such Thing.

Q. If you did not offer to pay for a Bed any more than the rest, how came that Distinction to be made?

Beaumont. There were some Gentlemen drinking there that desired it. Mary Hammond was brought in with me, but was not put into the Hole.

Q. When he first went down, did he open the Hole-Door?

Beaumont. Yes.

Q. How long was it before the Candle was brought again?

Beaumont. Three or four Minutes.

Q. Was the Door open when the Candle came back?

Beaumont. He stood with the Door in his Hand, and shut the Door when the Candle came down.

Q. Did any of these poor Wretches come out when he opened the Door?

Beaumont. I cannot say that any of them did.

Council. You said before, he left the Door of the Hole unlock'd.

Beaumont. He said he would shut the Stairs-door, and leave the other Door open; but I cannot tell whether he did or not. There was such a Mob about the Window, that Bird's Son came down and told his Father, that they would not have Air; and Mr Busbel was sent to beat them away.

Council. Why you say, he [Busbel] was drunk.

Beaumont. Yes, so he was.

Court. When the Candle was brought down, could you see how many People there were in the Hole?

Beaumont. No, I could not.

Henry Harris. I am a Watchman in the Strand. On the 15th of July I carried a Woman to the Round-House-Door, for making a Riot in the Street, and Mr Bird refused to take her in, beause he had too many already; this was between three and four o'Clock.

Q. How long have you known him in this Office?

Harris. I have been a Watchman 12 Months, and have known him all that Time.

Q. Have you heard any Persons give him an ill Character, as a cruel Man?

Harris.

Harris. No, none but the Women of the Street, and they will speak any thing.

Michael Hayes. I am a Watchman, I went along with *Harris*, and when we came to the Watch-house Door, Mr *Bird* refused to take any more in, for that he had more than he knew what to do with.

Council. So he took who he would, and refused who he would.

Bird. No, Mr *Stracy*, No, no.

Thomas Warrington. The sixteenth of *July* between three and four in the Morning, I brought a Man down to the Round-House, for breaking of Windows, and the Constable and Mr *Busbel* discharged him.

Q. How did the Constable and Mr *Busbel* behave on this Occasion.

Warrington. They behaved very well for what I could see.

Q. Did you apprehend *Busbel* to be drunk or sober?

Warrington. I am not a Judge whether he was or was not.

Bird. Answer the Question, do you think he was in Liquor or not?

Warrington. I cannot say whether he was or not. I staid there about half an Hour.

Bird. What Part did I act at that Time?

Warrington. He sat behind the Table: I do not remember what he said.

Bird. Did I oppose the Man's being discharged, or any ways intermeddle?

Warrington. I cannot say any Thing to that, but he did not get off his Seat.

[*John Tilton* sworn.]

Bird. Please to examine him; my Lord, what Time of the Night he came, and what Time he went away.

Q. What are you?

Tilton. I am principal Watchman of the Parish of *St Martin's*.

Q. What Time did you come to the Round-House, on the 15th or 16th of *July*?

Tilton. Between ten and eleven o'Clock, the 15th of *July*, at Night, and staid till five o'Clock in the Morning.

Q. In what Manner did *Bird* behave during that Time?

Tilton. I did not see any thing amiss in his Behaviour, the Prisoners were brought in pretty fast, and he ordered them down into the Hole.

Bird. Ask him whether I went from behind the Table, for I sat at the Table with the Constable to take the Names of the Prisoners down.

Tilton. He was on the other Side of the Table setting the Prisoners Names down; there being so

many Prisoners they were ordered down into the Hole, for we could not keep them in the Room.— He did come from behind the Table two or three Times to order the Prisoners into the Hole.

Q. Did he go into the Hole?

Tilton. I do not know whether he went into the Hole, till between four or five in the Morning.

Court. Who went down to put the Prisoners in, and said, he could not put them in; was it the Prisoner or *Busbel*?

Tilton. It was *Busbel*; he was ordered by *Bird*.

Q. What was the Expression *Busbel* made use of when he came up from the Hole?

Tilton. He said there were so many there already, that he could not put any more in; and the Prisoner afterwards said to *Busbel*, you could not put them in, but I have put them in, in a Minute.

Q. Did you look upon *Busbel* to be sober?

Tilton. I believe we were all sober, I saw none of us drunk.

Court. How has he behaved in general to the Prisoners, has he behaved handsomely, or with Cruelty?

Tilton. He always behaved well to them, I have seen him dress them when they came in wounded, and with their Heads broke: And he always endeavoured to make Peace among them, when they have quarrelled.

Q. Did he always use them gently; or was he some Times rigorous?

Tilton. Sometimes one Way, and sometimes another.

Council. What Reason did *Busbel* give, when he said there was so many in the Hole, that he could not put any more in?

Tilton. He said they would be stifled, if there were more put in, and he would put no more in; and *Bird* went down and put them in.

Bird. Do you think I would have put these three Persons down, if I thought there had not been room for them? Whether I would have put them in, if I had thought to have murdered or destroyed three or four People.

Tilton. I believe he would not have put them in designedly to destroy them.

Q. Was any thing said by *Busbel* of giving them more Room?

Tilton. Yes, he said if the Door of the Hole was opened for them to come to the Stairs, there would be more Air; and *Bird* said, if they were let out, they would let the Men out: The Door at the Head is a single Leaf.

Q. Has he the Character of a Person that uses the People kindly or harshly?

Tilton.

Tilton. He does use them a little cruelly sometimes.

Bird. In what Respect do you mean I use them cruelly? Whether with a Broomstick, or what?

Tilton. Why with his Tongue, my Lord.

Bird. Do not you reckon that it is the Duty of the Beadle, and the Constable of the Night, to put these People there?

Tilton. You had no Occasion to do that, for you took that Business out of our Hands.

Bird. I have not any Business with any of the Prisoners, only with the Constable, to attend him and the Watchmen.

Q. *Tilton*, When he put these People down, was it by the Direction of the Constable, or did he do it of his own Head?

Tilton. He did it of his own Head: The Constable can't read or write, he knew nothing of the Search.

[*Paul Broadbent* sworn.]

Bird. Did I not do what I could for the Relief of the Prisoners when the Door was opened?

Broadbent. He said there were People very ill, and he desired me to go down: This was after I had been with some Prisoners to Colonel *De Veil's*. When I saw what a Condition they were in, I spoke to a Person to bleed them.

Bird. Did not I send you for *Coclough* and *Frasbury's* young Man; and sent you for Spirits, thinking they were fainting; not imagining this would be their Deaths.

Broadbent. He got Drops to revive them, as soon as well could be, and sent me to *Coclough* and *Perkins*.

Q. How many died in the Hole.

Broadbent. There were four died in the Hole; one was quite dead when I went down, and three more died in half an Hour, or three quarters of an Hour; there were six in the Hole then: All the four that died were blooded, as well as those two that lived.

Q. What Condition was the Room in; was it not difficult to breathe in?

Broadbent. It was nauseous with the Sweat of the People.

Edmund Thomas. I am one of the Overseers of the Poor. July 16, about eleven o'Clock he told me, he had had a confused Night of it; for the High-Constable had been out with a Search-Warrant, and he had a great Number of Prisoners; and he said some of them were so very ill, that he was afraid they were near expiring, and desired an Order for the Chair of the Work-house: He did not say any of them were expired.

Bird. How did I behave while you was Constable?

E. Thomas. I served the Office in 1740 and 1741, and during my Year he behaved with Humanity.

Q. I ask you, Sir, whether that is his general Character, his dealing humanely with his Prisoners?

E. Thomas. He is a hasty hot Man.

[*Samuel Atterball*, Governor of *Bridewell*, sworn.]

Atterball. I have seen him five or six Times; he has brought Prisoners to our House. I know nothing of his Character in this Point.

Bird. He is but young in the Place.

John Horsfeman, the Turnkey and Hemp-Dresser. He has brought Prisoners to our House, and ordered Beds for them.

Jonas Gray. I was Constable about three Years ago. I never knew any harm of him; he was apt to quarrel with his Wife sometimes, and then I would bid him go up Stairs, for I reckoned that House mine.—He behaved well to the Prisoners all my Year,—He treated them with Humanity, and oftentimes gave them Viſtals and Drink.

Q. Had you ever 20 Prisoners in that Place at one Time?

Gray. I have had nineteen there at one Time, and kept them there four or five Hours.—The Dean and Chapter of *Westminster* had ordered all the Beggars to be taken up, and they were put in there.—It was in the hard Frost, and they had strong Beer, Bread and Cheese, and Air.—I would not have kept them there without Refreshment, but I think the Constable ought to send them to the *Galt-house*, or some other Prison.

Q. Did you see any Person in a white Gown?

Gray. I do not know. I think all their Cloaths were hardly worth 5 s. and I think really they were stifled with drinking of Liquors.

Lewis Quondreau. I have been Constable almost twelve Months. Now and then, when the Prisoner was a little in Liquor, he would make a Noise: but to force his Liquor upon People he never did in my Time, nor trouble himself whether they spent any Money or no.

Bird. Sir *John*, as you are my Council, I desire to know whether it is necessary to send for the Constable of the Night?

Sir John Strange. I shall take Care of all legal Advantages for you. You may send for him if you will.

Joseph Akins. I was Constable of the Night, when this Accident happened. I went there about eleven o'Clock, and continued there till between four and five in the Morning. I was in the Chair above Stairs all the Time.

Q. Did

Q. Did you write down the Names of the Prisoners ?

Akins. I cannot write.

Q. Did you employ any Body to do it for you ?

Akins. I employed none, nor asked none. *Bird* wrote some of them, I do not know whether he wrote them all or no ; he was writing before I came in.

Q. How long was it before you went away, that *Bird* went down into the Hole ?

Akins. I do not know any thing of his going quite down into the Hole.

Q. Is it usual to have the House cleared before you go away ?

Akins. It is just as he likes his Customers.

Q. You went down into the Hole, What did you go down for ?

Akins. When I was going away, I went down two or three Steps into the Hole, with my Staff in my Hand.

Q. For what Purpose did you go down that Step or two ?

Jury. My Lord, he seems to be afraid of charging himself.

Q. What Business had you to stand with your Staff there, when the Prisoner went into the Hole. [The Witness made no Answer.]

Q. Did you stand at the Top of the Stairs before you left the Round-House, to see the Prisoners confined in the Hole ?

Akins. The Prisoners were nothing at all to me ; I put none down into the Hole.

Q. Do you know of the Beadle's going down with any ?

Akins. No : Neither of his going down, or coming up.—

Court. Speak the Truth, there is no body will ask you any Questions to charge yourself.

Q. Did you see the Beadle go down with any People ?

Akins. No, I did not see him go down. Mr *Busbel* the Beadle said, There was not Room enough. I cannot say whether *Bird* went down to the Bottom or no.—He said he had done what *Busbel* could not do.

Jury. As you was there all Night, did you see any ill Usage from *Bird* to the Prisoners ?

Akins. I did not see any Thing of any Misbehaviour.—He behaved very well.—I never saw him soberer in my Life.—I believe *Busbel* was sober.

Q. Sir, answer the Question that was put to you, What you stood on the Stairs, going down into the Hole, with your Staff in your Hand for ?

Akins. Why, it was to see whether what *Busbel* said could not be done, could be done.

Jury. Did you hear the Cries of the Women in the Hole ?

Akins. No, I did not hear any ; there was Singing either among the Men or Women, but which I cannot tell : We had more Noise above to drown that below. — I did not see any Gin, or any strong Liquors carried down.

John Howard. I have known the Prisoner almost ever since he was born : I have employed him in writing, and always took him to be a good natured Man, but he is hasty and passionate ; — but not cruel or ill-natured.

Ann Mables. I have known him nine Years. When I heard of this Accident, I never was so shocked in my Life ; for I always knew him to be a good-natur'd Man, and never knew him to be guilty of a cruel Action.

Ann Catherine Bret, Widow of the late Governor of *Bridewell*. I have known him three Quarters of a Year, and he always behaved handsomely to the Prisoners, when he has brought any to our House—and sometimes gave them Money.

German Merchant. I have known him ten Years ; and he has been often benevolent to the Prisoners, and used them well.

John Ellis. I have known him near twenty Years, and his Father before him ; I never heard any Thing amiss of him.

Mark Coney. I have known the Prisoner four Years. I never saw any Thing but that his Temper was very well. I served Constable last Year, he behaved very well, unless he was a little in Liquor, and then I used to bid him go out of the House.—He behaved very well to the Prisoners.

Mark Hodgson. I have known him three Years. I served the Office of Constable last Year, and his Behaviour was always very civil to the Prisoners, and he has given distressed Prisoners Money to relieve them.

The Evidence being gone through, it was observed by the Court, on Behalf of the Prisoner, that the first Part of the Charge, *viz.* his forcing, putting, and placing her in this Hole, was so far from being prov'd, that the contrary appear'd on Evidence ; and they doubted, whether it being so laid, it was not become necessary to be proved. It was said on the Part of the Crown, that if in the first Instance she was not forced, yet from the Time she cried out for Relief, and desired they might be thinned or let out, the continuing her there was a forcible Confinement ; and the continuing her there, knowing the

the Danger she was in, may make that a Force upon her, *ab initio*: but that as this particular Fact need not have been laid, there is no Necessity to prove it. For this purpose was cited 2 *Hawkins*, Chap. 46. Sect. 41. Also *Mackalley's Case*, in killing a Serjeant in London, on a Special Verdict found at the *Old-Bailey*, December 5, 1610, which was said to be a Case in Point. [The first Exception to which Verdict was, that there was a material Variance betwixt the Indictment and the Verdict, for the Indictment supposed that the Sheriff had made a Precept to the Serjeant at Mace to arrest the Defendant, and by the Verdict it appeared that there was not any such Precept made, so that the Indictment being Special, to make that Offence Murder by Construction of Law upon the Special Matter without any Malice prepense, ought to be pursued, and proved in Evidence, which was not done in that Case, for the Jury did not find the said Special Matter, but the contrary; and because the Jurors had not found the Special Matter contained in the Indictment, but other Matter, Judgment could not be given against the Prisoner upon that Indictment. To which it was answered, and in the End resolv'd by all the Judges of England, that there was sufficient Matter contained in the Indictment, upon which the Court ought to give Judgment of Death against the Prisoner, notwithstanding the said Variance. And he was executed, 9 *Rep.* 62—70.]

Upon the Whole, the Jury found the Verdict Special to the following Effect, *viz.*

We find that *William Bird*, the Person indicted, on the 15th and 16th of July last, was Keeper of *St Martin's Round-House* in *Middlesex*. And that *Mary*, the Wife of *John Maurice*, in the Indictment named, was duly committed on the same 16th of July, to the said Keeper, to be there kept in safe Custody. And we further find, that while the said *Mary Maurice* was in Custody of the said Keeper as aforesaid, one *Sarah Bland*, who was then also in the Custody of the said *William Bird*, as Keeper aforesaid, was on the same 16th Day of July, about the Hour of two in the Morning of the same Day, forced, put, and placed, by the said *William Bird*, in a certain close Room, called the Hole, then being Part of the Building, called *St Martin's Round-House*. And we further find, that the said *Mary Maurice* then desired the said *William Bird*, that she might go down into the said Hole along with

the said *Sarah Bland*; and that she did accordingly go with the said *Sarah Bland* into the said Hole. And we further find, that the said *Mary Maurice*, soon after she was in the said Hole, as aforesaid, did request the said *William Bird* to be released out of the said Hole. But we further find, that on the same 16th Day of July, the said *William Bird*, notwithstanding such Request of the said *Mary Maurice*, to be released out of the said close Room, called the Hole, as aforesaid, did continue and confine the said *Mary Maurice*, being so in the Hole as aforesaid, for the Space of two Hours, against the Will and Consent of her the said *Mary Maurice*, during all which Time there were twenty other Persons confined as Prisoners by the said *William Bird*, in the same close Room, as in the said Indictment is alledged. And we further find, that the said close Room, during the Time aforesaid, was not of sufficient Largeness to confine twenty Persons therein, for the Space of one Hour, without manifest Danger of their Lives, as in the said Indictment is also alledged. And we further find, that by Reason of the said continuing and confining her the said *Mary*, by the said *William Bird*, in Form aforesaid, in the said close Room, she, the said *Mary*, during the said Time of her Confinement as aforesaid, *viz.* on the said 16th Day of July in the close Room aforesaid, was suffocated, and that she there died, during the Time of her said Confinement, of such Suffocation, as in the said Indictment is also alledged. But we find that the said *William Bird* did not force, put, or place the said *Mary Maurice*, into the said close Room, called the Hole, as in the said Indictment is also alledged: We find all other Matters and Circumstances necessary for bringing the Point in Issue before the Court; But whether the said *William Bird* is guilty of the Felony and Murder in the said Indictment supposed, we know not. But if upon the Whole, &c. *

103. *Jane Wood* was indicted for stealing 13 Guineas, and 7 Shillings in Money, in the Dwelling-house of *Samuel Windsor*, and his Property, September the 4th.

Samuel Windsor. I lost a Sum of Money out of my Drawer last Saturday in the Afternoon: about 10 Guineas, how much more I cannot say: The Money was in a Drawer, in the one Pair of Stairs Room

* *William Bird* was likewise arraigned on an Indictment, for the Murder of *Phillis Wells*, Spinster. And also on another Indictment, for the Murder of *Ann Branch*, Spinster; both which Trials were put off to the next Sessions.

backward. I did not miss it till five o'Clock on Monday Morning. I live at the *George* in *Broad St Giles's*: The Prisoner used to come to my House to play with a Child of mine; there was no Body up Stairs that Day but that Girl; and she owned to the Constable, in my Presence, that she took eight Guineas and some Silver out of my Drawer, on *Saturday* in the Afternoon, and that she took five Guineas from me two or three Months before; which Money I missed, but did not know she took it.

Q. Did you give her any Hopes or Promise of Favour if she would confess?

Samuel Windfor. I told her if she would tell me of any Body that were her Accomplices, I would be as favourable as ever I could; she said she had no Accomplice, but that she gave her Mother one half Guinea of it to pay her Rent; and had seven Guineas of it in her Box: Colonel *De Veil* ordered the Constable to go with me and the Girl, which I did; she unlock'd the Box, and took out six Guineas, and gave them into my Hand; I deliver'd them to Colonel *De Veil*, she owned these were my Guineas; she gave me a Pair of Buckles, and a Pair of Ear-rings, and said she had bought them with the five Guineas she took from me before, and delivered up some Clothes.

John Harris, the Constable that served the Warrant. She told me she took eight Guineas and some Silver out of the Drawers, that she found the Keys on the Drawers; and laid them there again.

Windfor. I did not know any Harm of the Girl before now.

John Hastings. I have known the Prisoner from an Infant, and never knew any Harm of her; she is very ignorant, but was always reputed an honest Girl: She was frightened into Fits some Years ago, by some Soldiers coming into the House, which took away her Senses; I got her into the Infirmary at *Westminster*, and she was sometime there before she was cured: I am a Gold-smith at *Charing-Cross*, her Father worked for me, and she used to bring things backward and forward, and I never found her dishonest. Guilty, Death.

[The Jury recommended her to the Favour of the Court.]

104. *George Lord*, of *Alhallows-Barking*, was indicted for stealing one Pound of Tobacco, val. 6 d. the Goods of *John Philpot*. Acquitted.

105. *Mary Howell* was indicted for stealing one Brass Candlestick, one Brass Tinderbox, the Goods of *Bennet Dickerson*, August 30. Guilty 10 d.

106. *Mary Neale*, otherwise *Terry*,* was indicted for stealing four Sides of Bacon, val. 4 l. 10 s. and one Gammon of Bacon, val. 4 s. the Property of *Elizabeth Stephens*, November 27. [No Prosecutor appearing she was acquitted.]

107. *Elizabeth Bont* was indicted for stealing a small Bundle of Things to the value of 4 s. the Goods of *Susannah Delony*, July 27.

Martha Bond. The 27th of July there was a Bundle of Goods left in my Care, and they were gone I cannot tell how.

Susanna Delony. The 27th of July I left my Things with Mrs *Bond*, when I asked her for them, she said they were upon the Dresser in the Kitchen; a Gentlewoman came and said, Mrs *Bond*, have you not been robbed, no, said she; but you have said she, and the Thief is in my House; I said, I am afraid these are my Things, I said to the Prisoner, Pray let me have my Things; said she, Damn you, you Bitch, give you your Things, and struck me and beat me with a Cribbage-Board; a Boy said he took them out of the House, and his Aunt sent him in for them.

[William Bingham called.]

Q. How old are you?

William Bingham. I do not know my right Age; but I am told I am near Twelve.

Q. Do you know the Nature of an Oath?

Bingham. No, but the Justice told me, if I swore falsely I should go to Hell. [The Court did not admit him to be sworn. Acquitted.]

108. *Mary Fry*, of *St James's Westminster*, was indicted for stealing 4 Cambrick Handkerchiefs, val. 10 d. one Quilted Petticoat, val. 25 s. a quarter of an Ounce of Thread, value three Farthings, and three Needles, value one Farthing, the Goods of *Mary Richardson*, August 20. Acquitted.

109, 110. *George Chaloner* and *Richard Mason*, of *St Mary Whitechapel*, were indicted for stealing a Hat and Wigg, value 2 s. and 6 d. the Property of *William Sanders*, July the 12th. Acquitted.

* She was tried last Sessions for the Murder of William Hufsey, in a House on Tower-Hill, and acquitted. See her Trial, No. 22.

111. *John Morell*, of *St Paul Shadwell*, was indicted, for that he, on the second Day of *August*, in the sixteenth Year of his Majesty's Reign, with Force and Arms, assaulted, hindered, opposed, and obstructed *Henry Messenger*, one of his Majesty's Officers in the Port of *London*, in the Execution of the said Office, against the Form of the Statute in this Case made and provided.

Henry Messenger deposed: That he was on Board the Ship called the *Blessing*, *August* the second, at *Ratcliff-Cross*, in the Port of *London*, about eleven at Night, he saw a Boat come along Side the Vessel, which gave him a Suspicion that something was to be done, and laid his Hand upon Half an Anchor of Brandy; and then another; that he seized them, and no Man obstructed him. A Man came and struck him on the Shoulder, or pushed him violently, and struck him Head-foremost down the Ladder into the Stearage, followed him and beat him, and struck him several Blows; and he took half an Anchor and run away with it; that *John Morell* the Prisoner beat him, and said he was Captain of the Ship; that he [*Morell*] was Boatswain of the Ship, *Blessing*; that the Sailors must know him to be an Officer, because they call them Partners, but he did not know whether *Morell* was present when the Custom-house-Officers came on Board; that he is sure this is the Man that abused and assaulted him, and that he must know him to be an Officer, because he had suffered him to carry some little Things on Shore.

William Watts deposed: That he was a Tidesman on Board the Ship, *Blessing*: That he saw his Partner, *Messenger*, fall Neck and Heels down the Stearage, and saw a Man follow him, and saw him strike *Messenger* two or three Blows. That his Partner, *Messenger*, call'd out, What will you stay and see me murdered; and that then he turned out as fast as he could. That when he came into the Forecastle, he laid his Hands upon a Man's Legs or Thighs, and asked him, What Business he had there? He said, Damn your Blood, I am Captain of the Ship, What Business have you with me? That he (*Watts*) said to him, be you the Devil, I will hold you if I can; that he said to his Partner, *Messenger*, here's one of them. That then his Partner came to his Assistance; that before he came, he struck him three or four Blows on the Belly. That *John Morell*, the Prisoner at the Bar, is the Man. That they had no Occasion to declare they were Officers, for all the Ship's Company knew it. That *Morell* was Boatswain of the Ship, and came up from

Gravesend with them. That they never show them their Deputations — That there was another Man came in to the Forecastle with a Handspike, and struck at *Messenger*, and then they cried out Murder, and had Assistance from other Ships; three from one Ship, and one from another.

Jonathan Bonner deposed: That hearing a Cry of Murder on Board the Ship, *Blessing*, they went on board her off the Forecastle into the Windlace, and from thence to the Main Deck; and before the Windlace they found *Messenger* had hold of the Prisoner at the Bar, and that *Messenger* kept his hold, till he, *Bonner*, laid hold of him, with the Assistance of the Rest of the Officers, and they carried him into the Cabbin, and continued with him all Night, and the next Day, till he was brought before Justice *Denmet*; and that the Prisoner at the Bar is the very Man: And that it can be no Secret to the Sailors that they are Officers when they go on Board, for they are always called by the Name of Partners.

Jonathan Crockson, another Officer, deposed to the same Effect. But the Jury, thinking it was incumbent upon them to prove, that they had informed the Prisoner that they were Officers, (which they had not) he was acquitted.

The Trials being over, the Court proceeded to give Judgment as follows.

Received Sentence of Death, 11.

<i>George Anderson</i>	<i>John Jennings</i>	<i>Richard Studder</i>
<i>John Cooper</i>	<i>Matt. Mooney</i>	<i>Edward White</i>
<i>Will. Edwards</i>	<i>Christ. Peterson</i>	<i>Jane Wood.</i>
<i>Henry Hinton</i>	<i>John Squire</i>	

Burnt in the Hand, 3.

<i>Thomas Griffiths</i>	<i>Thomas Hooper</i>	<i>Elias Veeving.</i>
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Transportation, 14.

<i>John Bloxom</i>	<i>Martha Johnson</i>	<i>Mary Staples</i>
<i>Catherine Davis</i>	<i>John Lambert</i>	<i>Mary Vorwell</i>
<i>Susannah Eames</i>	<i>Mary Marlow</i>	<i>Caleb Walker</i>
<i>Susannah Herd</i>	<i>Jane Miller</i>	<i>Dorothy Wood.</i>
<i>Marg. Hutchins</i>	<i>Eliz. Sheelds</i>	

The next ensuing Sessions to begin,

On Monday, October 11, at *Hicks's-Hall*.

On Monday, October 11, at *Guild-Hall*.

On Wednesday, October 13, at the *Old-Bailey*.

GEORGE HEATHCOTE, Esq; Lord Mayor.
G O D save the KING.

THE
PROCEEDINGS

AT THE

SESSIONS of PEACE, Oyer and Terminer,

FOR THE

CITY of LONDON,

AND

County of MIDDLESEX,

ON

WEDNESDAY the 13th, THURSDAY the 14th, and FRIDAY
the 15th of *October*.

In the 16th Year of His MAJESTY's Reign.

BEING THE

Third SESSIONS in the MAYORALTY

OF THE

Right Hon. *George Heathcote*, Esq;

LORD-MAYOR of the CITY of LONDON.

LONDON:

Printed and Sold by T. COOPER, at the *Globe* in *Pater-Noster-Row*. 1742.
[Price Six-pence.]

Of whom may be had, The Trial of James Annesley and Joseph Redding, at the Sessions-House in the Old-Bailey, on Thursday the 15th of July, 1742, for the Murder of Thomas Egglestone. The Trials at the two last Sessions, as likewise those in the Mayoralties of Mr Alderman Perry, and Sir John Salter.

THE PROCEEDINGS

AT THE

Sessions of the Peace, and Oyer and Terminer, For the CITY of LONDON, &c.

BEFORE the Right Honourable GEORGE HEATHCOTE, Esq; Lord-Mayor of the City of London, the Right Honourable the Lord Chief Justice LEE, Mr Baron REYNOLDS, Mr Serjeant URLIN, and others of His Majesty's Justices of Oyer and Terminer for the City of London, and Justices of Goal Delivery of Newgate, holden for the said City, and County of Middlesex.

London Jury.

Thomas Currier,
Paul Brown,
Richard Green,
John Strong,
Edward Dymock,
Thomas Prettyman,
William Ottey,
Edgate Sandwell,
John Hennell,
William Keyworth,
John Barton,
Jeremiah Wildair.

Middlesex Jury.

Benjamin Timbrel,
Thomas Brooks,
Richard Robinson,
Ernest Bernard,
William Barlow,
Robert Scot,
John Lutman,
William Godfrey,
Isaac Hancock,
William Campbell,
Thomas Hamston,
Robert Humblebee.

N. B. Richard Green, before he was sworn, was very importunate with the Court to be excused, upon Account of Business, but in a Manner disagreeable, so that the Court would not excuse him; the Middlesex Jury coming on first, the London Jury were excused for an Hour. Richard Green went Home, and though one of the Sheriff's Officers went for him, he did not return in Time, so Elisha Cawish was sworn in his Room, and Green was fined Ten Pounds, which was paid in Court.

112. Hannah Hobson, of St James's Clerken-

well, was indicted for stealing one Cotton Gown, val. 10 s. the Goods of Edward Paine, Sept. 11.

Sarah Bailey. I had this Gown to wash for Edward Paine's Wife, and hung it out to dry. I was told the Gown was stole, and when I came to see for it, the Gown was gone.

Ann Kent. I am twelve Years of Age; I saw the Prisoner take this Gown off the Line, as I was coming from School.

Elizabeth Alexander. This Gown I took from the Prisoner.

Bailey. This is the Gown I had of Paine to wash. Guilty 10 d.

113. Sarah Laycock was indicted for making an Assault upon Francis Dodsworth Carver, in the Dwelling-House of Robert Carter, putting him in Fear, and taking from him a Silk Handkerchief, val. 2 s. his Property, and a Cloth Cloak, val. 5 s. the Goods of Mary Hunt, October 10.

Carver. Last Sunday, about three o'Clock in the Afternoon, as I was coming thro' Black-Boy-Alley, in Chick-Lane, this Woman asked me to give her a Dram; I told her I would not. Says she, I will give you a Dram. I said I would not have any. She whipt my Bundle out of my Hand, ran up Stairs, and I ran after her; she called a Woman up with a Quartern of Gin, and said, Damn you, you shall not have it under Six-pence. So I came out of the House. Mr Dickerson's Man, seeing I was robbed, sent me a Shilling to get a Warrant, and I took her up; When we got her to the Cross-Daggers, she said she would send for the Things if I would make it up; and the Things were brought, but I would not make it up; this was three or four Hours afterwards.

Prisoner. I asked him to give me a Dram; we had a Quartern of Gin, which he would not pay for,

for, for he said he had no Money; if he had no Money, why should he go up Stairs? There was three Half-pence due for Gin, and he said he would leave them for that. Acquitted of this Indictment, but detained for assaulting Justice *Poulson*, in the Execution of his Office.

114. *George Fuller*, of *Hamstead*, was indicted for stealing a Cloth Coat, val. 14 d. the Goods of *William Hurd*, Sept. 18.

William Hurd. I lost this Coat. *Henry Coates* and I took it upon the Prisoner; he was not got above a quarter of a Mile out of the Town.

William Davis. I saw the Prisoner at the Bar bring this Coat out of *Henry Coates's* Stable. Guilty 10 d.

115, 116. *Thomas Green* and *Jane Watson*, of *St Luke* in *Middlesex*, were indicted for stealing twenty Gallons of strong Beer, val. 18 s. the Goods of *John Howson*, Sept. 25.

John Howson. I keep a Publick-House: I lost some Beer; I should not have known any thing of it, if it had not been for the next Witness, who told me he was concerned with some People in taking up the Floor, and getting the Beer out of the Cellar: I have missed seven Barrels of Beer.

John Read. Mr *Green's* Sister has got a Floor over the Store-Cellar, and used to take the Beer out; I used to help them to take the Beer away. — This has been going on about six Months. — The last was about three Weeks ago. I am in Custody for this Fact now: They got in by taking up two Boards in the Floor. I can safely say, I saw a hundred Gallons taken out: *Jane Watson* took out about fifteen Gallons: *Green* went into the Cellar and handed it up to her.

Green. I know nothing of it; we had a Difference; he told me he would be revenged upon me, and I suppose this is the Revenge.

Jane Watson. I know nothing of it; I have been but three Months in Town: Both acquitted.

117. *Richard Arnold* was indicted for assaulting *Bernard Gates*, on the King's High-way, putting him in Fear, and taking from him fifteen Shillings in Money, September 28.

Bernard Gates. As I was coming to *London*, on Tuesday the 28th of September, between *Hendon Common* and *Ealing*, the Prisoner met me and Mr *Lawrence*; he got partly between us; Mr *Lawrence* was towards the Right-hand of the Prisoner; the Prisoner rode up to him, and presented a Pistol to him; I did not hear what the Man said; he turns about,

came up to me, and asked me for my Money; I said he should have it with all my Heart. —

There were three Crown-Pieces and some Shillings; I happened to lay my Hand upon a Couple of Shillings; said I, let me keep these to drink a Bottle of Wine with the Persons that had rode away from me: the Man did not give me any ill Usage, but said he would with all his Heart, if I pleased: Mr *Lawrence* said, Mr *Gates*, you will not go forward, for my Lord *Carpenter* cannot be a great Way off. I rode up to my Lord, and acquainted him with what had happened: Says he, my Retinue is very well provided, and my Fellows are all courageous, they shall pursue him: I described the Man to him; says he, I remember such a Person as you speak of; he had the Cape of his Coat about his Face, and he said, he looked like a sickly Sort of a Fellow; I think he had the same Cloaths on then as the poor unhappy Man has now; he said it was the first Fact that ever he committed. — There were three Crown Pieces; two of them were King *William's*, and one of them was *Charles* the Second's. — I had them in my Pocket upon the Road for two or three Journeys together; he confessed he took them from me: He had no Disguise, only the Cape of his Coat was buttoned round his Face. — I am positive that is the Man; my Lord *Carpenter's* Servants brought him up directly to my Lord *Carpenter*, and he confessed he was the Man that robbed me. — To the best of my Knowledge I can swear to this Money.

Mr *Lawrence*. I was in Company with Mr *Gates* September 28. I was in one Track, and Mr *Gates* in another; the Prisoner came up to me first, and presented a Pistol to me, and without robbing me turned about to Mr *Gates*.

Q. How came the Prisoner to turn from you to Mr *Gates*?

Lawrence. I do not know any other Reason, than that Mr *Gates* was better dressed than I was, and he thought the Money might be upon him; I clapped Spurs to my Horse and rode off, and left him with Mr *Gates*, and went to my Lord *Carpenter*, and he sent his Servants after him. — I am sure that is the Man.

Lord *Carpenter's* Servant — *Stockwell*. As I was coming to *London*, the 28th of September, Mr *Gates* came up to my Lord, and said he had been robbed. By whom says my Lord? Mr *Gates* described the Man; I had taken Notice of the Man's riding by our Coach with a Cape round his Face, and his Hat flapped: These two Men and I pursued him about two Miles to a little Publick-House by *Hanwell-Bridge*, where I believe he had called for a Pint of Beer: We all three whipt in upon him, and seized him, and took a Pistol,

a Pistol, two Bullets, and two Flints out of his Pocket, and brought him to my Lord Carpenter.

There were three Crown-Pieces, several Shillings, and some Half-pence. I said to him, honest Man, I think it is a surprising thing for a Man in your Condition to rob; for he seemed to be in a very bad Way; says he, it is entirely Necessity that has brought me to it; he confessed he came from London on purpose to rob, that he hired the Horse and bought the Pistol. That he was really in Want.

Clark. My Lord sent us after him; we found him at a Place the People told us was called *Chevy-Chace*, by *Hanwell-Bridge*; he confessed he robbed the Gentleman, and that he did it for want.

Bryan confirmed the foregoing Evidence.

The Confession he made before the Lord Carpenter was proved, and read; he therein owned, that on the 28th of September he hired a Bay-Horse in *Finsbury*, by *Chiswell-Street*, with an Intention to rob on the High-way, and that about a Quarter of an Hour past one o'Clock, he stopped Mr Gates and robbed him, and soon after was pursued and taken by three Men on Horseback. Guilty, Death.

118. Daniel Brighton was indicted for stealing one Linnen Handkerchief, val. 12 d. the Goods of Thomas Bellamy, Sept. 25.

Thomas Bellamy. As I was coming from *Turnagain-lane*, a little after Seven o'Clock, between *Holborn Bridge* and *Shoe-lane*, says a Gentleman to me, That Fellow has picked your Pocket, and just at the Fellow's Feet I picked up this Handkerchief; and took him into a Grocer's Shop, and kept him some Time, and a parcel of Fellows came to rescue the Prisoner; I received Blows from several of them, particularly the Prisoner. I do not know any thing of his taking it. I am sure this is my Handkerchief.

Mr Lewin. I saw the Prisoner take this Handkerchief out of Mr Bellamy's Pocket. I am sure he is the Person.

The Constable. These four Handkerchiefs were found upon him.

Robert Harrison. I know the Prisoner is a Tenant to Esquire Herbert, in the Neighbour-hood where I am Rent-gatherer; I never knew him to do an ill thing. He goes a Grubbing—that is, gathering old Iron in the Street.

Ann Philips. His Business is Grubbing in the Streets for old Iron, that is, Channel Raking; I know no harm of him. Guilty, single Felony.

119. William Budge, of St Andrew's Holborn, was indicted for stealing 1 printed Book com-

monly called the First Volume of the Works of Thomas Brown, value 1 s. 1 d. the Property of Richard Adams, October 8.

Richard Adams. Last Friday this Book was stole out of a Box I had in the Window. I know it to be mine.

Thomas Winch. This Book I bought of the Prisoner at the Bar, on Friday last, and gave him a Shilling for it. Mr Adams gave me the Shilling again. Guilty 4 d.

120, 121. Mary Vearpoint and Sarah Briffow were indicted, Vearpoint for stealing two Silver Spoons, val. 10 s. one Petticoat, and some Linnen, the Goods of Elizabeth Godfrey, Sept. 29. and Briffow for receiving them, knowing them to be stolen.

Elizabeth Godfrey. I lost these Things from my House at Brompton; Vearpoint was my Servant; just before Michaelmas, she sent me Word the Man that worked in the Garden was gone away with two Spoons. I ordered her to come to Town and bring the Linnen. I missed several Things; I asked her where they were, she said the same Person who had the Spoons, had the Linnen. I discharged her the third of October, and she went to live with that Woman, which gave me a Suspicion they were not gone the Way she told me. I went to Mr Goodwin the Pawnbroker, to know if this Woman had pawned any thing there. I found my Linnen there, but the Spoons were fetched out the Day before. These are all Mine.

Samuel Goodwin. Sarah Briffow brought the Spoons about the 29th of September, I lent 14 s. 6 d. on them. The Linnen was brought about the 17th of July. This Linnen is part of the Linnen she brought. I know nothing of Vearpoint's stealing of them. About last Monday the two Prisoners at the Bar came to our House about Mrs Godfrey's Spoons. I said I lent Briffow 14 s. 6 d. on them, Vearpoint said, if Briffow had 14 s. 6 d. she sent her but 10 s. 6 d. said she, then she has kept the rest herself.

Vearpoint. I did not take these Things with a Design to steal them; but designed to bring them back again. I gave her [Briffow's] Husband a Guinea to fetch the Spoons, and he went away with the Guinea and Spoons and all.

Godfrey. Vearpoint was a good Servant; that Woman has been the Ruin of her.

Vearpoint guilty, Briffow acquitted.

122. Robert Logan, of Christ Church Spittle-Fields, was indicted for stealing one Linnen Shirt, val. 2 s. 6 d. the Goods of Richard Owden.

Richard

Richard Owden. I lost a Shirt the 3d of October, about one a Clock at Noon. The Prisoner owned he took the Shirt, and put it into his Bosom. Guilty 10d.

123. *Margaret Robinson* was indicted for privately stealing one Corral Necklace, and Gold Locket, from the Person of *Mary Sheppard*, an Infant, the Goods of *Sarah Sheppard*, Sept. 27.

Frances Brinkwell. After the Prisoner had taken the Necklace from the Child, and was gone away, I brought her back. She said she did not design to take the Necklace from the Child, but went to kiss her, and the Necklace fell into her Hand.

Sarah Sheppard. I told her if she would give me the Necklace, I would let her go; she threw part of it down on the Floor. I asked her for the Locket, which was of the greatest Value; she said it was down the Child's Back. But when I sent for the Child to search her, it was not about her; and then she gave the Locket to me. The Child was but just come from School, and I saw the Necklace upon her Neck.

Catherine Roberts. After she denied she had them, she took them out of her Pocket, and dropped them, then said, There they be.

Mary Lines. The 27th of September, I saw her break this off of the Child's Neck. She denied she knew any Thing of it, and said she took it up in the Street. Guilty Felony.

124. *John Heaney* otherwise *Ceeney*, was indicted for stealing a Silver Watch, val. 5l. — and a Silver Watch Chain, val. 4s. the Property of *Henry Lane*, in the Dwelling-House of *John Lemon*.

Henry Lane. On the 31st of August, between eight and nine in the Morning, I was going up *Fleet-street*, and a Gentleman like Man picked up a Shilling; he said he had found a Shilling, and asked me to drink part of a Pint of Wine, which I accepted of. He went into *Pope's-Court*, in *Bell-Yard*; and in this Court we met *John Heaney*; says the Man, who picked up the Shilling, I have found a Shilling, and am going to treat this Man with a Glass of Wine, and desired him to go and take Part of it. We went into a House where there was a little Room in the Yard. They put me into the inner Part of the Room, and the Prisoner was next to the Door; after they had drank some Wine, they began to talk of cutting of Cards, particularly the Prisoner, who went out under a Pretence of buying Cards; but I believe he had them in his Pocket at the Time, because he re-

turned so quick; the Prisoner and the other played, I was prevailed on to bet a Shilling, and I won two Shillings; so this Man who had picked up the Shilling, he cut good Cards, Court Cards; says he to me, Do you cut; I apprehend he had two Packs, for when I came to cut, I cut nothing but Aces and Duces, and the like; and I lost the two Shillings that I had got. Says he, I will venture another Shilling, says I, I have never a Shilling: What, says he, have you no Watch nor nothing to put down? Yes, says I, I have a Watch, so I put my Watch down upon the Table, and cut two or three Times; still the Cards were low, that I lost every Time; I lost two or three Shillings that Way; and please you, my Lord, he took up my Watch and went away with it directly. I went out as fast as I could, but he was gone, and I saw no more of him till about a Fortnight afterwards; as I was coming up *Newgate-street* I met with him, and one more of his Companions; as soon as ever he saw me, he began to run; I cried out Stop Thief, and caught him before he got to the End of the Street; but the other was a brisk Fellow, and he got off; says the Prisoner, if you will release me you shall have your Watch again. He begged me to go into a Publick-House, and the People persuaded me to let him go in; said they, may be you may have your Watch again; and he said I should have my Watch. So some of the People persuaded me to make it up, and others not to make it up, for if I did he might trouble me; so I would not make it up, but would have him before a Magistrate; he did not care to walk on Foot, but he would have a Coach, and before we got to *Guild-Hall*, he was fumbling in his Pocket; I was in Hopes I should have my Watch again, but they were two Packs of Cards that he had in his Pocket.

Prisoner. Another Man put down a Ring to answer his Watch. I plaid till it came to Six Guineas, and won his Watch.

Q. Did any Body put down a Ring?

Lane. Yes, one of his Companions did to bet with him.

William Davis the Constable. I was at the Ale-house, while Mr *Lane* had the Prisoner there in the House, and he said if he would let him go, he would send for the Watch.

Prisoner. My Lord, this Gentleman has sworn a Robbery upon me, when I won the Watch; and it is very unlikely a Man should be robbed of his Watch at Noon-Day, and not make a Noise.

Lane. My Lord, I was afraid of my Life, and did not care to make any Noise, for I had heard

of some Murders and Robberies at that Time, that I was afraid to do it.

Martha Blakesley says she has known the Prisoners two Years, gave him the Character of an honest Man, that he always kept good Hours; that as he was a Watch-Maker, she thought he might have got his Living honestly and truly, without following this Course of Life.

Frances Savage gave him much the same Character. Guilty 39.

125, 126. *Jane Ruffel* and *Isabella Brown*, of *St Giles's in the Fields*, were indicted, *Jane Ruffel*, for stealing a Plad-Banjan, and a Cloth-Waistcoat, the Goods of *Michael Barron*; and *Brown* for receiving them, knowing them to be stolen.

Michael Barron. On the first of *October* *Ruffel* came into my Shop, my Waistcoat and Banjan were behind the Counter; I missed them presently after she was gone, no Body else was in the Room.

Martha Jones. I charged *Ruffel* with them, she said she did not steal them, but another Person did, and gave them to her at the Door, and that she had sold them to the Prisoner, *Brown*, for three Pence. *Brown* owned she had them, but would not part with them, for she had bought them and paid for them.

Anne Hodges. The Girl, *Ruffel*, told me that she carried them to *Brown*, who said she would give a Shilling for them, that she gave her but three Pence, and put them into the Closet; the Girl went to her the next Morning, and she said the Things were nailed. I suppose that is a Word used among Thieves. *Ruffel* Guilty 10 d. *Brown* Guilty.

127, 128, 129. *Daniel Baccumb*, *Richard Hambly*, and *Thomas Eady* were indicted for stealing several Carpenter's Working-Tools, the Goods of *John Thomson*, *Richard Alloby*, *John Brook*, and *Robert Johnson*, *October* 3.

The several Persons mentioned in the Indictment deposed, that each of them lost the Tools therein mentioned out of an empty House, belonging to Mr *Joseph West*, in *Virginia-Street*, *October* 3. and that the Tools produc'd were the same Tools.

James Miles. On *Sunday* Night was se'nnight between twelve and one, the three Prisoners and myself broke open Mr *West's* House in *Virginia-Street*; we went with an intent to rob the Dwelling-house.—We agreed before Hand to do it.—We broke the Street-door Lock of the House, we took the Tools out of the House—we heard a Noise in the Dwelling-House, which prevented us breaking that Way. *Thomas Eady* had a Brace of Pistols, we took a great many Working-Tools out of the new Building, some

we carried to my Lodging, and some on the other Side of the Water to sell them; when I was taken up on Suspicion, I told the several Witnesses where the Tools were, they are the same Tools that we four took out of the House.—I did commit one Robbery with them before; we met at the *Hermilage* that Night—in the Street, not in any House.

Thomson. I found my Tools at his Lodging, he is a Carpenter, and worked with us.

James Thomson. I lay in the same Chamber with *Mc Comb* on *Sunday* was se'nnight at Night, and he was not out of his own Being from two o'Clock in the Afternoon, till after six the next Morning. *Sampson*, *Matthews*, and *Tyrrel*, gave him the Character of a very honest Man, and that that is his general Character.

Mary Weedon. *Hambly* has lodged in my House these two Years, his general Character is that of an honest Man; he was at Home on *Sunday* at eight o'Clock and was not out till after six the next Morning.

John Harper. He has lodged with me seven Years, he has a general good Character.

Martha Hasbridge. I saw him in Bed on *Sunday* was se'nnight at Night, at nine o'Clock, and he never rose till after six the next Morning: ——— He lie underneath him, he can never stir but what I hear him.

Mary Cross. Last *Sunday* was se'nnight at Night, *Eady* was at Home a little after ten, and did not go out till near six the next Morning. *Margaret Seaton*, *Samuel May*, and *Robert Slater*, say that he is a very honest Man ——— that is his general Character. All three acquitted.

130. *Thomas Homan*, of *St Andrew's Holborn*, was indicted for the wilful Murder of *Susanna Dicks*, Widow, by striking her with an Iron Bar, of the value of one Penny, and thereby giving her one mortal Wound on the Temple, on the left Side of the Head, near the left Eye, of the Length of one Inch, and the Depth of half an Inch, of which Wound she instantly died, *August* 2.

Mary Stayner. I was at Mr *Raven's*, next Door to Mrs *Dicks's* in *Fetter-Lane*, *August* 2. and heard a dreadful Cry of Murder. I run into the Yard and screamed out, I insisted on the House being broke open; I saw some Blood come against the Window, and I saw a Man in a woollen Cap peep through the Window, but I cannot tell who it was: When the House was broke open, we went up and found Mrs *Dicks* lying in a very deplorable Manner, in her gore Blood. ——— She lived two Hours after. ——— She was a Widow Gentlewoman of 74 Years of Age,

no Body lived with her : When I came into the Room her Senses were gone ; I found her upon her Back upon the Floor ; we laid her upon the Bed, and the Blood run through the Ceiling ; she had several Marks, one was on the Left-side of the Head, near the Temple ; it was a dreadful Cut.——I think it was a Cut by a Bar, and not by a Knife ; she had several other Wounds on her Neck and Breast ; she lived in this Condition from a Quarter of an Hour before seven in the Morning till eleven, she was not capable of being undressed, she could only say, O Lord ! O Lord ! The Surgeon said, Madam, as you can speak you should tell who did it, but she only said, Lord ! Lord !

Prisoner. Can you say it was me ?

Stayner. I do not say it was you.

Robert Nannay, Surgeon. I came there about an Hour an half after the Accident, and found she had lost a great deal of Blood. She had four or five Wounds in her Head ; two of them were attended with a Fracture in her Skull, and her Brain was wounded. The Wound was upon the left Side of the Head, upon the Temple ; which was the Occasion of her Death. The Prisoner had hid himself in the Cellar, and was found there, whilst I was dressing the Woman : I asked him how he came to do such a villainous Thing ; he said she assaulted him first with a Poker, or some such Thing. I asked her who did it, but she was not able to say any more than *Lord ! Lord !*

John Palmer. I was there about eight o'Clock in the Morning : I searched the House, and found the Prisoner at the Bar in the Cellar, under a Hamper. I asked him how he came to use the Gentlewoman in so barbarous a Manner ; he denied it a little at first, and desired to see the Gentlewoman. I taxed him with it, and he owned afterwards the committing of the Fact.

Prisoner. Can you swear I was the Person that did it ?

Palmer. There was no body else in the House : Near the Place where he was I found an Iron, which I suppose he did it with, covered over with some Dirt ; it was a Piece of an Iron Bar ; this is the Iron, it was bloody when I took it from under the Dirt ; the Prisoner's Hand was very bloody.—I cannot say whether his Linnen was bloody or not.

Mr Cooch, the Constable. The Prisoner's Master hearing a Cry of Murder in the House, sent for me to come directly ; when I came, he said, he believed there was somebody murdered in the House, and desired I would get the Door broke open as soon as possible. I fetched a Smith, and broke

open the Door, and saw the Blood running through the Floor, upon the Cieling. I got a Surgeon, and he said, she could not live above two or three Hours. A Woman told me, she saw a Man with a Woollen Cap put the Curtain on one Side, and look through the Window ; and then I set two or three People to watch, that he did not get away. My Lad took a Stick and a Bayonet, and searched the Cellar ; he struck a Hamper, and out jumps the Prisoner ; he said he wanted to see Mrs. Dicks, to know whether she would live : Said I, *Tom*, how came your Hand bloody ? Why, said he, my Nose has bled. Said I, you lying Rogue, it has not bled. I turn'd his Head up, and saw it had not.——His Hand was all over bloody, to his Fingers Ends. I got a Coach, in order to carry him before an Alderman. When he was in the Coach, I asked him, how he came to do such a Thing as this ? He said, he could not help it, he did not do it with a Design to murder her, but to rob her. He said he had a Design to do it for five or six Weeks, but his Heart always misgave him. He told the Alderman it was a Bar that he did it with, and that it lay somewhere in the Cellar. He said he had got out of his Bed several times with an Intent to do it ; but on the 1st of *August* he resolved to do it : He said he went in at the Cellar-Window, between four and five in the Morning, and lay concealed till between six and seven : He wrenched the Lock of the Stairs-foot Door off, in order to get to her. She came down some of the Stairs, and said, *Tom*, what do you want ? but she run back, frightened, into the Room, and he run after her, with the Bar in his Hand : She clapped a Chair and Table against the Door, and took up the Poker or Tongs to strike him with, and he knocked her down, and repeated the Blows till he thought he had killed her, as he confessed himself. He said, when he thought he had killed her, he was going to rob the Drawers, but her crying out Murder, and the People making a Noise without, and the Blood running down, he run down into the Cellar, and hid himself under a Hamper.—She crying out, he was afraid of being discovered, and so murdered her.

Prisoner. You have said several Things, that as I am a little deaf, I could not hear : Did you see me take the Lock off the Door ?

Cooch. No, I did not.

Thomas Jefferies. The Constable sent for me to aid and assist him to get into the House. I went and fetched a Ladder, and set it up against the Side of the House, and looked in at the Window, and saw the Gentlewoman lying in her Blood. I heard the Prisoner say, he did not design to murder her, but

but she struck at him with the Poker, and he struck at her again, and followed his Blows till he brought her to that Condition. His Confession was taken in Writing, but it was not signed. He said he designed to do it a Fortnight or three Weeks before, but he was very sleepy, and had slept his Time away. Mr *Jefferies* likewise confirmed great Part of the former Evidence Guilty, ~~Death~~.

131. *William Dixon*, of *St George Bloomsbury*, was indicted for stealing a Silver Tankard, val. 7 l. the Goods of *Joseph Aldin*, in his Dwelling-House, August 24.

Joseph Aldin. I had a Silver Tankard stole from me the 24th of August. I keep a Publick-House, the Prisoner at the Bar called for a Tankard of Beer, I drew it him and went into the City about some Business, I left him in the publick Drinking-room between ten and eleven in the Morning.

Charity Child. The Prisoner was at our House on Monday—the Day before he stole the Tankard, and drank Beer there the best Part of the Day; he came again on Tuesday Morning and called for a Tankard of Beer, and my Master drew him a Tankard; and afterwards I drew him a Pint and put it into the Tankard; I saw he moved himself nearer towards the Door. Sir, says I, you have not drank all your Beer; if you please to drink it; I desire to have the Tankard, for we do not use to leave Tankards in this Room, he said he would take care of the Tankard, so I went out of the Room, and presently after I went in again, and he and the Tankard were gone—I had but just turned my Back.—No Body else was in the Room, it was done in a Minute.—I cannot say whether he went out at the Sash, for the Windows were open, or out at the Door.

Prisoner. Did you see me take the Tankard away?

Child. There was no Body there but you and I, that I will swear.

Prisoner. But I can swear to the contrary, and my Oath is as good as your's.

Another Witness. He owned he had stole two Tankards, and sold them. I went with the Gentleman that lost one of the Tankards to *Wooburn* in *Bedfordshire* to take the Prisoner, and he wrote a Letter with his own Hand, directing where to find the Tankards.

Joseph Aldin. This is my Tankard——this was lost out of my House the 24th of August, by the Direction that the Prisoner gave me I found it.

Daniel Sherbere. The Prisoner brought this Tankard to me about the End of August last, and sold it me; I asked him how he came by it, he said, he

had it from a Friend out of the Country, and brought a Letter in his Pocket-Book, with the Marks and Weight of the Tankard; desiring him to sell it, and upon that Account I bought it, at five Shillings and three Pence per Ounce, and paid him six Pounds fourteen Shillings for it.

Prisoner. Am I the Person that brought you that Tankard?

Sherbere. Yes, you are the very Person who brought me that Tankard.

Mr *Bramston* produced his Examination taken before the Duke of *Bedford*, one of his Majesty's Justices for the County of *Bedford*, taken September 13, 1742. and signed *William Dixon*; wherein he confesses that he stole a Silver Tankard from *Joseph Aldin*, of *St George Bloomsbury*, and another from *Robert Ellis*, of *St Mary Whitechappel*, that he sold Mr *Ellis's* for five Pounds two Shillings over or under; and Mr *Aldin's* for six Pounds two Shillings over or under.

Prisoner. When I was taken before the Duke of *Bedford*, the Prosecutors were present, and made me drunk with Wine, and one thing or another, that I was quite in Liquor, and did not know what I did; they professed great Friendship to me if I would discover any Thing of the Matter: They promised punctually they would no ways hurt me, if they could be made Retaliation for the Loss——they frightened me so I did not know what to do; the next Day I had some Friends came to me, and they asked me whether I knew what I had done; and I said I did not know what I had done.

Mr *Bramston*. This Examination was read over to him before the Duke of *Bedford*, there were neither Threats, or Promises, but he did it voluntarily. Guilty, ~~Death~~.

132. *Robert Bird*, of *St Giles's Cripplegate*, was indicted for breaking and entering the Dwelling-House of *Samuel Sanders*, about the Hour of one in the Night, and taking from thence 116 Ells of Linnen, called *Gulix Holland*, value 28 l. 6s. 3d. Lawn Handkerchiefs, value 44 l. and 90 Yards of *Irish Linnen*, value 3 l. 10 s. the Goods of *Samuel Sanders*, August 21.

Samuel Sanders. The 21st of August last, about two in the Morning, the Watchman called me up, and told me the Flap of my Cellar-Window was open, I rose in a Fright and looked out and saw the Cellar-Window was broke next the Street; said I my dear, I am afraid we shall be killed, for I believe the Rogues are in the House, for the Watchman stands at the Flap of the Cellar-Door, which was broke open; it fastens with two Bolts, and a

Dog

Dog into a Kirb; my Goods were in a little Warehouse below Stairs, which I put things into that my Shop will not hold.

Mary Paine. I fastened the Cellar Window at half an Hour after eight o'Clock on the Friday Night, August 20.

William Pritchett. On the 21st of August, between twelve and one on Saturday Morning, as I was going Home in order to go to Bed, I met *Joseph Kent*, and *Robert Bird*, the Prisoner; said I, where are you going? I will go along with you, Damn you, said they, we don't want your Company. This was in *Cock's-head Court*, in *Golden-Lane*, where *Kent* lives; says *Kent's* Wife, will you be a Penny? So she gave me 2 d. and I put a Penny to it, and we had a Pot of Beer: While we were drinking it, says *Kent's* Wife, somebody is coming up Stairs. *Kent* came up with a Load upon his Back, and *Bird* with two long Pieces rolled up under his Arm, which seemed to me to be Cloth, and *Kent* put the Goods into a Closet in his Room: Seeing this, I had a Suspicion they had been a robbing: They went out again, and I followed them: They went to the Prosecutor's House: The Prisoner at the Bar went into the Cellar, and *Kent* stood at the Top of the Stairs, receiving the Goods from the Prisoner, and putting them into a Bag. Says I, what do you do here? Says *Kent*, Damn you, as you are come, take this up, and carry it away; and I being in Liquor, fell down before I had got a Stones-throw. When I came to *Kent's* House, I fell down upon the Stairs, with a Load upon my Back. When I came up Stairs, the Goods were all in the Middle of the Room; then they took the Goods up again, and went away: When we got to *Grub-street*, says *Kent*, *Pritchett*, you may go back again now. Said I, you may as well let me see where the Goods go now. No, by G—d, says he, you shall not. When I came back again, the Goods were all gone. Says *Kent* to me, *Robert Bird* has got an old Coat, he will give you that for your Trouble.

Mary Stapleton. I live next Door to *Kent's* House: About two o'Clock in the Morning, I saw *Bird* and *Kent* bring several Bundles into *Kent's* House, and carry them out again afterwards.

William Rugby, the Constable. I had my Lord Mayor's Warrant to search for these Goods, and I found them in an empty House, Aug. 21, about six o'Clock in the Evening.

Sanders. I have something to say to the Court with respect to the intended Sale of these Goods: They were to have been sold to some Jews, but they were so conscientious, they would not buy any thing of a Sunday; but this Holland, that cost me 4 s. an Ell, they were to sell them at 4 d. a Yard. Guilty, Death.

Mr Sanders. My Lord, I beg that *Pritchett* may be detained in the Compter, in order to give Evidence against the other (*Kent*) when he is taken. He is an incorrigible Villain; I shall catch him very quickly.

Pritchett gave his own Consent to it: He said he could work in the Compter; and had rather be there than not, for fear of being killed.

133. *Thomas Dutton* was indicted for stealing one Feather-Bed and Bolster, value 40 s. a Chimney-Glass, two Sconces, and other Household Furniture, in his Lodging, the Goods of *John Denny*, Aug. 24.

Mary Denny. I lost these Goods out of the Lodging which I let to the Prisoner, ready furnished; he was to pay 3 s. for the first Week, and 2 s. 6 d. a Week afterwards: He was not there above a Week. I broke open the Door of his Room, and found these Things missing. He owned to me, that he sold the Chimney-Glass and Sconces, and the Feather-Bed.

William Cadwallader, a Pawnbroker, proved, that he pawned several of these Things to him.

Fountaine. He left a Pillow, Bolster, and Sheets, at my House at *Islington*, while he went to look for his Wife and Sister, who were going into the Country. Guilty.

134. *William Cavenagh** was indicted for stealing a Gold Ring, value 16 s. the Property of *Ann Fielding*, Oct. 9. No Prosecutor appearing, he was acquitted.

The Court ordered the Prosecutor's Recognizance to be estreated.

135. *William Bird* was indicted for that he, on the 16th of July, &c. in and upon one *Phillis Wells*, did feloniously, wilfully, and of his Malice aforethought, make an Assault, and her the said *Phillis*, then being in a certain close Room, called the Hole, then being Part of a Building called *St Martin's*

* He was an Accomplice with, and Evidence against *Mat. Mooney*, condemned last Sessions for a Robbery on the Highway. He is now detained for a Robbery in Surrey.

Martin's Round-House, did feloniously, wilfully, and of his Malice aforethought, confine and continue, against the Will of the said *Phillis*, for a great Space of Time, to wit, for the Space of eight Hours, during great Part of which Time, to wit, for the Space of four Hours thereof, there were twenty other Persons confined as Prisoners by the said *William Bird*, in the same close Room, which was not of sufficient Largeness to confine twenty Persons therein for the Space of three Hours, without manifest Danger of their Lives; by which said confining and continuing of her the said *Phillis*, by the said *William Bird*, in Manner aforesaid, she the said *Phillis*, on the said 16th of July, within the said close Room, was suffocated, and of the said Suffocation died, and so the said *William Bird*, on the said Day, in the said Year, Parish, and County, [as had been laid above] the said *Phillis Wells* did feloniously, &c. kill and murder.

[*The Case having been fully opened by the Council, and printed at length in the last Sessions-Paper, we shall now begin with the Evidence.*]

Thomas Morris. I was the Person charged by the High-Constable with *Phillis Wells*, and went along with her to the Watch-House. I told the High-Constable that I knew her to be an honest Girl, and that I would conduct him to the Round-House, but would take no Charge of her. I believe the High-Constable sent one *Clark* with her. She was left in the Round-House, and I saw her no more, till I saw her dead in the Bone-House. She has a Brother-in-Law whose Name is *Frazer*; he is a House-keeper in my Beat; I went and acquainted him—it was between two and three o'Clock in the Morning. When the High-Constable called out Watch,—she told him she was come from *Deptford*, and that she had been about her lawful Affairs.—I told Mrs *Bird* I knew her.

Bird. I desire he may be asked, what my general Behaviour to the Prisoners is?

Court. Do you hear of any Complaints as to his Behaviour to the Prisoners?

Morris. No; only if they have been rude, he has sent them down into that Place. I do not know of any ill Usage to the Prisoners.—I have heard disorderly People in the Street speak against him.—Some speak good, and some speak bad of him.

Coun. What is his general Character? Is he a kind Goaler, or is he otherwise?

Morris. I cannot make any Answer to that:—The Girl was in good Health, only frightened, to be put into such a Place which she never was in before.

Mary Saint. I know *Phillis Wells*; I saw her in the Round-House about four o'Clock in the Morning, and spoke to her through the Window; the Place was full, she stood in the Middle,—my Mistress sent me there—Mrs *Frazer*. She was then in seeming good Health, and spoke freely to me. Said I, *Phil*, In the Name of God, how came you here? She cried to me, *Mary Saint*, for God's Sake give me a little Water? I stepped up to Mrs *Bird* for a little Water, and she said they should have no such Thing.

Council. That is nothing at all, a Man must not be hanged for his Wife.

Saint. I did not speak to *William Bird*.—Between two and three o'Clock in the Afternoon I found her dead upon the Bench.—She came from *Deptford* that Morning.—She had a lightish Callimanco Gown on.—I staid at the Window about three Quarters of an Hour,—the Window was open when I was there. I cannot tell what Number of Persons there were in; they cried out they should all be smothered.

Charles Frazer. On the 16th of July, about three o'Clock, the Watchman called me as usual.—I sell Physical Herbs; and the Watchman told me, the High-Constable had taken up my Wife's Sister, and that he had carried her to *St Martin's Round-House*.—I did not go to the Round-House then, but went about my Business; for I did not think there was any Danger: When I came back, which was about ten o'Clock, my Maid told me she had seen her there about five o'Clock in the Morning. About ten, or a little after, I went, and found her dead in the Hole,—there were two more dead, one lying on the Right-Hand of her, and the other on the Left.—She was lying upon a Bench.—She had a Camblet Gown on, or something like it, of a lightish Brown Colour.

William Frazer. *Charles Frazer* is my Brother: Between ten and eleven I went to the Round-House, and went down into the Hole.—I saw *Phillis Wells* there, and she was dead.—I think she had on a whitish brown Gown.—She was a sober modest Woman.

Robert Churchman then gave Evidence as on the former Trial.

Bird. As he has served Constable, I ask him whether it is customary for the Door of the Hole that lets into the Passage to be left open?

Churchman. It cannot be customary to leave it open, because it is a thing that hardly ever did happen, to have so many Prisoners in it.

Mary Coffer.—We cried out Fire and Murder; that there were People in Labour, For God's Sake have

Have Mercy upon us, or we had better be hanged out of the Way. One Woman pulled her Shoe off, and struck the Ceiling with it to make them hear. — We could but just stand upright in the Hole. I had but three half-pence in the World, and I offered that for a little Air. — *Bird* did not think he had fastened the Door enough before, but he brought down a Poker to fasten it with. — I suppose it was because we made such a Noise for Water, Air, and Light. I flaid the last in the Hole except three besides the dead Women. There were five or six in Fits, — that was owing to the Heat of the Place; we cried out, There were Women in Fits, Women in Labour, and Women with Child; Have Mercy upon the Infants, if you have none upon us? — I do not know whether *Bird* heard us. If that Door had been opened that goes to the Stairs, I believe it would have saved all their Lives; for we wanted Air most. — I went down about twelve o'Clock, and there was a continual Cry from that Time till ten o'Clock in the Morning. The Skin of my Face rose in Blisters, and all came off. In the rest, she agreed with her former Evidence.

Elizabeth Amey (having given much the same Account as on the former Trial). When the Door was opened, about half an Hour after ten in the Morning, some came out stark naked. I came up with a Bed-Gown on, and it was so wet you might have rung the Sweat out of it. — *Mrs Bird* gave me some stinking Water, — I drank that, and I believe I drank about three Quarts of clean Water. *Bird* said once to *Mary Wood*, the Window should be left open, and afterwards he shut it; I believe it was upon Account of a Woman's bringing some spiritual Liquor. — There was Room enough above Stairs, but we could not have it without Money. — *Sarah Bland* was in Fits, and carried to the Workhouse as dead, and did not come to herself for two Days.

Bird. Did not you say you would be up with me upon some Account or other? Did not you live at the House in *Oxendon Street*, where the Coachman was murdered? *

Amey. I was then a Waiter at *Mr Eastmead's Bagnio* *; I never lay a Night in that House in my Life.

Sarah Starks. I was carried to the Round-House about half an Hour after Eleven, and put into the Hole by *Mr Bird*. — I believe there might be six

down there then, but it was so dark, I could not well see how many. — I believe there might be twenty-six at last. — The Window was open when I first went down, and I believe might be open for the Space of a Quarter of an Hour, and then it was shut; it was opened again a Quarter before Four, and shut again a Quarter before Five. — We were crying out for Water and Air, and *Mr Bird* would not let us have it. — *Mr Bird* came down several Times. — And we asked him for Water and Air, and he told us we should neither have Air nor Water. — I am positively sure of it. — I am sure he was the Man that made Answer so several times. There was one Shilling offered for a Pint of Water; we raised among ourselves four Shillings for a Gallon; he said we should not have any; there was one Woman he gave a Blow on her Head. — He struck her because she wanted to get up Stairs to have a drop of Wine or something to comfort her. — He said we should all suffer for her, and might die and be damned. — I cried out Fire and Murder. — *Bird* shut the Window the last Time. — He said twice that we might die and be damned, and we should stay till let out by the High-Constable; and the last Time he came down he struck a Woman, gave her a Kick, and pushed her away from him. — He did not say, die and be damned, when he shut the Window, it was when he shut the Door.

Bird. Do you think my Intention in shutting the Window was to stifle them, or to keep them sober, in order to go before a Magistrate.

Starks. I believe his Intention was to stifle us all if he could.

Ann Norton. I was taken out of my Bed from my Husband and carried to the Watchhouse, about one o'Clock in the Morning. — I was kept above Stairs, I was not carried into the Hole. — I had a Friend with me, and spent Money there, and paid Six-pence for sitting up Stairs. — That was the Reason I did not go down into the Hole. — I heard them cry out for Air and Water; and they cried out Fire and Murder, and that there was a Woman in Labour. I heard them cry they would give a Shilling for a Quart of Water, and five Shillings for a Gallon: *Bird* sat writing at the Table then, and said, Damn the Bitches they want Gin. On their crying out they should die, he said, they might die and be damned; this was between six and seven in the Morning. — I heard him say this.

* See the Trials in *Mr Alderman Perry's Mayoralty*, No. 390. page 110. And in *Sir John Salter's Mayoralty*, No. 159. page 89. No. 274. page 163. and No. 443. page 249.

this.—I did indeed; there was a Woman supplying them with Water through a Tobacco-Pipe, and *Bird* said he caught them drinking of Gin; there was *Henry Norton* in the same Room with me, and a young-Man whose Name is *William*, he is a Coach-maker in *Long-Acre*.—*Bird* ordered *Busbel* to go down and put some Prisoners in, and *Busbel* came up and said he could put no more in; and *Bird* said, let me go down, I will put them in, and he pushed them down Stairs one over another. — He went down with a Poker to fasten the Door; there was Room for a great many more above Stairs. — *Bird* went to Bed about eight o'Clock.

Bird. You say you were kept above Stairs, did you pay any thing for it?

Norton. Yes, I did, I paid Six-pence for a Quarter of *Usquebaugh*, and Six pence to your Wife for sitting up.

Bird. I never heard any thing of that before; have not you expressed yourself much in my Favour, and said, that I endeavoured to get you examined last Sessions for me?

Norton. No, Mr *Bird*, you are wrong there, when I was asked whether I would be examined of your Side, I said no, I would not wrong my Conscience so much.

Sarah Bland was consistent with her former Evidence, and gave this Account of the Deceased; there was a young Woman, who said her Name was *Wells*, and that she had been at *Kensington*, and was going to her Brother with some Coltsfoot when she was taken up: (My Cousin *Maurice* was then on my Knee.) Says she, I do not know what I have done; if my Brother knew it, he would grow crazy. She was faint, and said, If I could get a Drop of Water I should be better; but no Support came to us after the Door was shut; nobody came near us: She died, I cannot tell whether on the Bench, or on the Ground. She seemed to be very well in Health when she came in, but she took on upon Account of being carried there.—*Bird* himself brought her down.—We told him we wanted Water; he said, Water, you Bitches, be damned.—He did not say die, then.

Elizabeth Surridge was very exact with her former Evidence, as was Mr *Leathes*. Serjeant *Burns* gave the like Account as to the Cries and Condition of the Women, as in the former Trial.

Mr *Busbel* the Beadle called.

Bird. My Lord, I submit it to your Lordship, whether he is a proper Witness; because he attended the Constable of the Night along with me?

Court. Yes, he is.

He was then sworn, and gave an Account of being sent down with the three Women, as at the last Sessions.

2. Would the upper Door of the Stairs have been secure, if the Women had been let out into the Passage?

Busbel. I believe it might: There is a Lock and two Bolts to the Door, but it is not strong at all: They could not have got out of the Round-House.—Three died in the Hole, one got up upon the Stairs, and died there: About ten Minutes after she got out, *Bird* said to one of the Women that did not die, one *Betty Eaton*, when she was brought out of the Hole, and sat in a Chair in the Chimney, *You Bitch of Hell, no Carrion will kill a Crow*.—She made no Reply, for I believe she could not well speak: She was brought up without a Cap, and was almost stifled.

Bird. Pray, upon my being informed, that some of the People were ill, did not I send you for Spirits, and for People to bleed them.

Busbel. You did not send me, you sent *Broad-bent*. You said you would send the Chair from the Workhouse, but you did not return again; but the Chair was brought at last.

Bird. Are you sure of it? Recollect yourself.

Busbel. You did not come back to the Round-House: I know you sent for a Man to bleed them. I do not know any Thing else you did.—

[*John Tilton*, who was called at the former Trial on Behalf of the Prisoner, was now examined on the Part of the Crown; and gave the same Evidence as to the Time of his being at the Round-house, and of *Bird*'s putting down some Prisoners into the Hole, after *Busbel* told him he could put no more in, for there were so many they would be stifled; and likewise what passed in relation to leaving open the Door of the Hole.]

Bird. Was there any Order given to leave the Shutter open? Who gave the Order?

Tilton. There was an Order given that they might have Air: It was open at five o'Clock, when I went away, and I desired it might be kept open.

Bird. Did you hear any Out-cry of Murder?

Tilton. No, I did not hear any Out-cry at all. I was in the Room with *Bird* and the Constable of the Night.

Bird. Did you hear any Cry of Murder, Mr *Busbel*?

Busbel. No, I did not.

Elizabeth

Elizabeth Desborough. I was confined in *St Martin's Round-house* July 16. *Busbel* came down with some Prisoners, I cannot say what Time it was, nor how many he brought down. He went up and left the Door of the Hole open, and desired it might be left open, and the Door on the Top of the Stairs fastened; he spoke this to *Bird*, but I cannot say what Answer *Bird* made, but he came down directly, struck *Elizabeth Amey*, pulled her Cap off her Head, pushed us all together, and said he would make Room; he made use of several Expressions, but I cannot tell what they were.

Q. Did any of you get into the Passage when the Door was open?

Desborough. We did not go out into the Passage, I believe some might stand just on the outside of the Door.—When *Busbel* left the Door open, he said it was too close with it shut. There was some Refreshment came into us from the Air, when the Door was open.

Mr Perkins the Surgeon, and *Mr Colclough*, who were sent for to bleed these People, gave the same Account now, of their Condition, as they did at the former Trial.

Q. Do you think the Place would contain twenty Persons for the Space of three Hours, without manifest Danger of their Lives?

Perkins. I do not think it would, if the Doors and Windows were shut.—I apprehend they were suffocated for want of a due Quantity of Air, for Inspiration and Respiration.

Bird. Were any of the Bodies opened?

Perkins. No, Sir,—they said there was one of the Women with Child, but she was not with Child; she had a Dropsy.

Bird. As to the Cause of the Suffocation, I desire to know if a Person had been opened, whether it could not have been distinguished, whether the Suffocation was occasioned by Liquor, or for want of Air? It was the Opinion of *Sir Hans Sloane*, in a Case that happened at *Hertford* some Years ago *, that two Spoonfuls of Liquor will suffocate a Person.

Q. to *Colclough.* Would that Place contain twenty Persons three Hours, without manifest Danger of their Lives?

Colclough. No, I think not; I think I must have been dead, if I was in such a Heat as that for that Time.—I think it is impossible to live under those Circumstances, in such hot Weather; indeed Winter Time makes a Difference.—Their Death

was occasioned, in my Opinion, through the Number of People, which were confined there, and the want of Air and Water.

Q. Was that in your Opinion the Occasion of their Death?

Colclough. I am sure of it.

William Bird. I am the unhappy Person who stands charged with the Crime of Murder; a Crime of the highest Nature; and I hope I shall, with your Lordship's Assistance, in Points of Law, bring myself off this Charge; and I hope what has been clamoured abroad, will not have any Effect upon the Gentlemen here. I shall endeavour to bring Witnesses of sufficient Credit to be believed: This was occasioned by a Search-Warrant, from Justice *De Veil*, to bring to our House such Persons as were taken up in the Street, &c. The Warrant was to be returned at eight o'Clock in the Morning, and if the proper Officer had came at the Time, this Misfortune would not have happened. I never went to Bed, I only lay down at the Feet of the Bed at seven o'Clock, and indeed I lay till between nine and ten. I never heard any thing of an Outcry of Murder, or any thing else; and as soon as I knew of the Misfortune, I made Application for Assistance to relieve them. As to the Number of People in the Hole, I did not know; and I had no Occasion to try the Number it could hold, till this unhappy Occasion: I had nothing to get, no Liquor to sell, nor any Opportunity of doing any Thing to make a Property of them; and I do declare this unhappy Affair was without my Knowledge or Inclination.

[*William Malpas* called for the Prisoner.]

Bird. Will your Lordship please to order him to give you a particular Account of this Affair, and to speak nothing but the Truth?

William Malpas. My Lord, I was taken up the 15th of July at Night, among the unhappy Persons that died. During the whole Night I did not see the Prisoner at the Bar use any Cruelty towards them.—I was there from about a Quarter before Eleven at Night, till about Ten the next Morning. I was above Stairs all the while.—I was not put down into the Hole, because the Prisoner was a particular Acquaintance of my Mother's, and knew all my Friends. I went down to the Hole to carry a Candle, which was knocked out by one of the Persons confined.—The Door was open when I went down; this was about four o'Clock in the Morning; one of the Persons was bustling to get

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* See the late Edition of State-Trials, Vol. V. pag. 217.

get out, Mr *Bird* put her in, and then I believe shut the Door. — I did not go into the Hole, I only stood at the Bottom of the Stairs.

Bird. Pray, Mr *Malpas*, give an Account to the Court and the Jury, what Part I acted, and who acted that Night.

Malpas. He sat writing most Part of the Night. — In the Morning, Mr *Akins*, the Constable of the Night, ordered the House to be cleared two or three Times before he went away.

Bird. Did I do this of my own Head, or by the Direction of the Constable?

Malpas. By the Direction of the Constable.

Bird. Did I do any thing without the Constable's Order?

Malpas. No.

Bird. Did I make any Objection to the Discharge of Persons who were brought in by the Watchmen for breaking of Windows, and were discharged by the Constable?

Malpas. No.

Q. Did you know any one that was called by the Name of *Wells*?

Malpas. No, I did not.

Bird. Did I put any of them down, or go down, till between four and five, when the Constable went down? I did not go down before that Time.

Malpas. I did not see him go down.

Bird. Who knocked the Candle out of my Hand?

Malpas. One of the Prisoners, her Name was *Amy*.

Bird. How did she behave before she was put into the Hole?

Malpas. She behaved in a very abrupt Manner, and bred Differences. I believe she was ordered down at first by the Constable of the Night.

Bird. What Time was it in the Morning that I laid down?

Malpas. It was a little after Six.

Bird. What Time did you call me again?

Malpas. About Nine. — He laid down with his Waistcoat on.

Bird. During the Time I sat up, did you hear any Outcry of Murder, or Water, or that the Women were ready to be delivered of Children.

Malpas. There was a great Noise from first to last, before they were put down into the Hole, and after.

Bird. The Place is so accustomed to Noises that one does not know whether there is Danger or no.

Malpas. I did not hear any Cries of Murder while you were up.

Bird. Did I shut the Window to do them an Injury, or what was it for?

Malpas. *Bird* said to the People who brought Liquor to them, you are not their Friends, how can they defend themselves in the Morning if they are in Liquor? And when they came out, and he found how bad they were, he sent for a Surgeon to bleed them, and took all the Care he could of them.

Bird. Do you know one *Ann Norton*.

Malpas. I know her by her being up there; she was sitting in the Room with me; I spoke to her once since, and she said she would do *Bird* all the Service she could, for he had been very civil to her.

Bird. Now she tells another Tale; it has been said that I was up and down divers Times with Prisoners, to put them into the Hole; it was impossible I could go down with the Prisoners, when there were near forty of them, and a Constable that could neither read nor write. I was obliged to sit with him to take an Account of their Names.

Malpas. Several were put down by Watchmen.

Bird. Pray did I drink with Serjeant *Burns* the value of two or three Shillings in Liquor?

Malpas. No, I do not think he did.

Bird. Where did the Liquor come from.

Malpas. It was sent for out of Doors.

Bird. I am sure I had none to sell: Pray did I take any Money of Mrs *Norton* to let her stay up?

Malpas. I did not see him take any. — There was no Body forced to have any Thing.

Bird. If I had known any of them had been in Distress, do you think I would not have relieved them?

Malpas. I believe he would; for he said, if I heard any Noise or Outcry upon any Occasion to call him, or if there was any thing wanting.

Bird. Did you hear any Expression 'tis said I made use of, of Die and be damned?

Malpas. I did not hear any such Words.

Bird. If I did, it was an inadvertent Expression of my Tongue, and did not come from my Heart.

Q. Where was *Bird* when he called for a Candle?

Malpas. He was below, I saw him struggling with *Amy*; she wanted to get out, and the Door was immediately shut up by Mr *Bird*.

Bird. I went down to see that all was safe.

Q. How many Prisoners were there in the Hole when you carried the Candle down?

Malpas. I do not know, but it seemed to be full.

Q. Did

Q. Did you find any disagreeable Smell or Scent?

Malpas. I do not remember that I did.

Q. Do you remember any thing of *Busbel's* coming up, and saying, he could not put any more down?

Malpas. I heard something said of that, but I cannot tell who said it.

Q. I ask you upon your Oath whether it was not *Busbel*?

Malpas. I cannot tell.

Q. Was there no Reason assigned why they could not be put in, that they would be stifled, or something like that?

Malpas. I cannot make any Answer to that.

Q. When the Door was desired to be left open, did not you hear whether it was for fear the Prisoners should be stifled?

Malpas. I did hear it mentioned, but who spoke it I cannot tell.

Q. Did not the Constable, when he went away, desire the Shutter of the Hole to be left open?

Malpas. I do not know, it was open when he went; it was shut again between Five and Six by *Bird's* Son, because they should not have Gin brought them. — I did not see Mr *Bird* shut it. — The Room above extends over the two Holes and the Passage, and over that Room Mr *Bird* and his Family lie.

Elizabeth Beaumont. I was taken out of my own House, and brought into the Round-house, about half an Hour after eleven at Night, and staid in the Drinking-Room till five in the Morning, and was in another Room above Stairs till nine. I saw no Misbehaviour in *Bird*, and did not hear any of the Prisoners give him an ill Word; he staid most Part of the Night by the Constable writing. — I do not know that he went down all Night. At five o'Clock in the Morning, the Constable of the Night and the Beadle insisted on the Room being cleared before they went. — I did not hear any Body cry out as if they were in Distress.

Q. Did you hear any singing?

Beaumont. Yes, I heard them singing very much. — I heard them singing in the Room where the Women were.

Court. Sure you are mistaken!

Beaumont. Indeed I am not.

Court. — This Singing you speak of, are you sure it was in the Room where the Women were?

Beaumont. It was Women's Voices.

Court. Are you sure of it?

Beaumont. There were Men down, as well as Women; it might be the Women, or it might be the Men.

Q. What was the Reason of your being above Stairs? Did you pay any thing for it?

Beaumont. I had no Money to pay: I went down, and he said, Damn you, come up, I have more already than I know what to do with: There were five or six more came up with me.

Coun. You say you saw nothing amiss in his Behaviour, you mean to yourself, for he was very civil to you; how came you to be used so civilly?

Beaumont. There were several Gentlemen, who were Officers of the Parish; they saw me take on very much, and saw my Condition, that I was with Child, and they desired I might not be put into the Hole; he behaved very well to all for what I know, — if there had been any Complaints, I must have heard them.

Q. You said there were five or six went up with you: What became of them afterwards?

Beaumont. The Constable of the Night and the Beadle went down again with them, and I went up to sit on the Bed-side. — I am a single Woman — I was not in the same Room with Mr *Bird*; the Rooms are parted off. — When the Constable of the Night had put them in, he made a Speech, and said, I have put them in, and you could not.

Court. What Speech did he make?

Beaumont. The Constable of the Night said, that he had put them in, when *Bird* could not. — That tall Man (*Busbel*) was there all the Night, but he was very drunk.

Court to Busbel. Who was there?

Busbel. There was the Constable of the Night, *Tilton*, and I, and another Beadle who came out of Curiosity.

Akins, the Constable, was called for by the Court.

Q. Was that Man [pointing to *Akins*] Constable of the Night?

Beaumont. Yes.

Q. Was that the Man that said, I have put them in, and you could not?

Beaumont. Yes, that is the Man. — I did not say it was Mr *Busbel* that made that Speech.

Court to Akins. Did you go down with any Woman into the Hole?

Akins.

Akins. No, I did not.

Court. Did you declare, that what *Bird* could not do, you did?

Akins. No, my Lord; *Bird* knows I did not.

Court. You hear what that Woman says, did you say so, or did you not?

Akins. No, I did not.

Q. Do you know who said it?

Akins. I heard no such Expression: I carried none down all the Year.

Busbel. Upon my Oath *Bird* said, I have put them in in a Minute that you could not.

Bird. This was not from Good-will.

Tilton. *Bird* said, that *Akins* never did stir down.

Bird. Mr. *Akins*, you swore you were down four or five Steps: I shall catch you by and by. —What Time did you go away?

Akins. I went away at half an Hour after Four. —I never heard any Cries before I went away. —Yes, I did hear Singing. —I cannot tell whether it was from the Mens Hole, or the Womens Hole. —It was between two and three o'Clock. —I gave no Orders whether the Window should be shut or open.

Mr. *Hooper.* I am a Surgeon and Apothecary; being informed of what had happened at the Round-House, I went there between eleven and twelve, and saw Mr. *Colclough* bleeding the Women. I thought it best, for Expedition, to cut them down the temporal Artery. I endeavoured to bleed one, but to no Purpose; there was another that expired about an Hour afterwards; I thought it a Duty incumbent on me, to desire Mr. *Colclough* to bleed some of the others, and they did well. *Bird* and his Wife were both there, he behaved with a great deal of Humanity. There were Drops and Water ready, and we had what we wanted, as often as we called.

Bird. Did you ever hear in the Neighbourhood of any Complaints of my using People ill?

Hooper. I never heard any Thing one Way or other. —It is my Opinion, that the Occasion of their Death was from the want of Air, and the Liquor that they had. —Want of Air only might occasion it: This want of Air was the more prejudicial to them, as they had had too much Liquor before. They would have breathed freer without it.

William Anderson, one of the Beadles. I came to the Round-House about seven o'Clock in the Morning: I asked Mr. *Bird* how many Prisoners he had, he said, he believed he had about thirty; I staid about five or six Minutes, and went away,

and came again about ten o'Clock. One told me there was a particular Acquaintance of his taken up and put in the Hole. I went about ten o'Clock and asked for *Bird*, they said he was in Bed, and went up and called him, and he came down; I opened the Door, in order to let her out; as soon as the Door was open, the People bounced out directly upon us; the Place was very nauseous, and the smell so strong, that I thought it would have struck me down; they called out for Water, for they were quite stifled: I fetched some Water from the Pump, they drank that up, and I got them some more. —At seven o'Clock there were no Outcries, but at ten there was a great Outcry.

Bird. If your Lordship will please to observe this was in the Time I went to lay down in my Waistcoat: If they had come at the Return of the Warrant, this Accident might not have happened.

William Cluer. I never knew but what Mr. *Bird* behaved very well, ever since I have known him, which is since the first of *March* last. I live next Door to the Watch-house, but was out of my House that Night.

William Harris. I served the Office of Constable about half a Year, and I never saw Mr. *Bird* behave amiss to any of the Prisoners; sometimes when he was in Liquor he would be a little noisy.

Bird. It is customary to put People out of the common Room when the Watch breaks up.

Harris. I used always to put them down into the Hole when the Watch broke up. —If they behaved any ways disorderly we put them into the Hole, before the Watch goes off; if they behave civilly we let them stay above. —I never put any down into the Hole while I was Constable, if they behaved well before I went away.

Mark Coney. I served the Office of a Constable last Year, and I cannot say he committed any Crime, misbehaved, or used People ill in my Time: When we go off in a Morning we put the Prisoners into the Hole for Security, against the next Day: —I always used to put them in, I do not know whether I was right or wrong. —If they behaved civilly I did not put them in before I went away: —I never had above seven or eight Prisoners at a Time; for we had no Search-Warrants in my Year. —He always behaved well, except he was in Liquor, and then I used to bid him go to Bed, and he would go.

John Chambers. I served the Office of Constable two Years ago, I never saw him behave cruel or barbarous to any Prisoner, but used to be very kind to them. —It is a Custom between four and five o'Clock,

o'Clock, or according as the Season of the Year is, to clear the House before the Watch goes off; some go up Stairs to Bed, and others go down into the Hole.—If they behave well we do not put them into the Hole, but let them sit in the Room by the Fire.—It is Mr *Bird's* Misfortune to have a hasty way of talking, but he does not use them ill.

Philip Duggin, (some time Clerk under the Governor of *Bridewell*) he has brought a great many Prisoners to us, I never heard any Complaints of him.

Bird. Have not you known me according to my Circumstances to give them Rolls or Half pence.

Duggin. Yes, to the best of my Remembrance he was, and spoke to me that they might be civilly used.

William Bailly. I have known him sixteen Years, and have been with him when he has bestowed Charity to People in Straits: I do not think him to be that tyrannical Person which he is represented to be.

Bird. I will not take up any more of your Lordship's Time, I hope I have established my Character, and I leave my Case to your Lordship and the Jury.

King's Council. As you have led us into it, we shall call some Persons to your Character; so if you would call any more do it now.

James Calf. I have known him four or five Years, and believe him to be a very honest Man; I know several good-natured Acts which he has done for People; as to his Usage of his Prisoners, I know nothing of that, I believe him to be a Man of Humanity, and rather than do any thing of this Kind, he would relieve distressed Persons, if it was in his Power; how this happened I know not.

Joseph Rawson. I have known him these thirty Years, and his Father and Mother before him. I have trusted him with a great many Pounds, and with the keeping of my Books: And as I stand before this Tribunal, and must stand before a greater, I do not think he would be guilty of any ill Thing.

Bird. My Lord, I rest it here.

K. Coun. We should not have troubled your Lordship any further, if this last Part of the Defence, as to Character, had not been made; but as he has led us into it, I think it proper to call 2 or 3 Witnesses.

[*George Colclough* called again.]

Q What is the general Character of the Prisoner?

Colclough. When he is sober, he is very civil to the Prisoners; but when he is in Liquor, he will swear, and curse, and rattle; when he is out of

Liquor, he is very easy.—He is reckoned unkind with respect to beating them, damning them, and the like.

[*Busbel* called again.]

Q What is the Prisoner's general Character, with Regard to Kindness or Cruelty?

Busbel. His Character is, that he is cruel to his Prisoners.—I speak as to his general Character.

Bird. He says my Character is cruel; I wish he would give the Court one Instance of it.

Coun. I am not at Liberty to ask that Question; but I will not oppose it.

Busbel. I have seen you push People headlong down Stairs; poor People in Liquor.

Q Is that his general Character when he is sober?

Busbel. When he is sober he is hasty, passionate and hot, but he is civil to them upon all Accounts; but when he is in Liquor, he is barbarous: I would not have spoke it if he had not obliged me to do it.—I believe he is oftener drunk than sober.

Tilton (being asked his Character). When sober he is courteous, in Liquor barbarous.

Thomas Morris. I have known him ever since he came to the Watchhouse.

Q What is his general Character when he is sober?

Morris. Some People say he is good-natured, and some say he is ill-natured.—I know nothing of his general Character, nor of any of his cruel Acts.

The Jury withdrew for some Time, and being return'd, the Foreman gave in their Verdict thus. According to the Law delivered to us we find him Guilty, ~~Death~~. And afterwards said, The Case is unprecedented to any of us: If there be any room to recommend the Prisoner we desire it.

N. B. There were eighteen Witnesses examin'd last Sessions, on the Indictments against the Prisoner, for the Murder of *Mary Maurice*, which did not appear upon this Trial: And there are seventeen Witnesses on this Trial, who gave no Evidence at the former.

136, 137. *Thomas Toxbett* and *Margaret Pearce* were indicted for the Murder of *Patrick Smith*, in *Chelsea-Fields*, August 20.

Elizabeth Smith. I have nothing to say against the Prisoners.—My Husband, *Patrick Smith*, went out in good Health, on Friday the 20th of August, between two and three in the Afternoon, and on Saturday Morning about six o'Clock, I had Word brought me that he was murdered, and on Saturday Night he was brought Home dead.

U

Anne

Anne Quale. On Friday, the 20th of August, *Torbett* came Home about five o'Clock in the Afternoon; he was for going out, I would have had him stay at Home, but he would go out; I said I would follow him; he said it would be of no Service to me if I did. I supposed he was going to that Woman, the other Prisoner: I followed him in order to prevent it, and went through the *Park*, as far as *Buckingham-House*; I kept at a reasonable Distance, that he might not observe me. I did not follow him to prevent his committing Murder, for I did not think he would have done such a Thing. Just by a Stable-Yard Gate by the *Park* I lost them; I asked a Man whether any such Persons went that Way, and described them; he said yes, they went by *Buckingham-Gate*. I saw the two Prisoners, they met a Soldier, and the Soldier turned his Coat; they all three went together from *Buckingham-Gate* towards the Turnpike, going to *Chelsea*, (the Clock struck nine as I went by *Buckingham-Gate*) I saw the Deceased coming along *Chelsea-Fields*; I pulled my Cap off, and put it in my Bosom, and put my black Petticoat over my Head, that they might not discover me. *Peirce* made her Way over to him as fast as she could, (*Torbett* and the Soldier stopped in the Road) and then the Deceased stopped, to the best of my thinking. I thought I saw him put his Hand into her Bosom, whether he put it in or no, I cannot say; as soon as she had stopped him, says *Tom Torbett* to the Soldier, now let us go. When *Tom Torbett* came up to her, says he, G—d damn your Eyes, you Bitch, is this your Work? with that, this *Tom Torbett* struck the Deceased on the Side of the Head, to the best of my Knowledge; when he struck him, she said, Follow your Blows, for he has got Money about him. The Man was for going along if they would have let him, but the Soldier and *Torbett* made him stop, and *Torbett* took something from the Deceased, and gave it into *Peirce's* Hand; then the Soldier struck him; as soon as the Soldier struck him, one of the Dogs flew at him; (the Deceased had two Dogs with him) says he, Gentlemen, Have you no Mercy? Says *Torbett* to the Soldier, Take Care, the Dog will bite you; says the Soldier, Damn my Eyes, never mind that. I saw the Soldier clap his Hand to the Deceased's Breast, and he said, Gentlemen, Do not cut me any more. My Lord, as soon as the Gentleman had said Do not cut me any more, he did not walk so far as this Court is in Length before he fell down; then I heard the Soldier say, *Tom*, he is done for. I then thought it my best way to come away.——I saw the Soldier cross the Road, and leave the two Prisoners. I heard *Torbett* say, I have got his Watch with a Trifle more, and that is

all: I let them pass me, and I went Home to Bed. On Saturday Morning, between eight and nine o'Clock my Husband came Home (as I called him, but I was not married to him, tho' I lived with him) I asked him where he had been all Night, says he, I have been in a great many Places. I told him I would get him his Breakfast, he said he had got Money enough to help himself now: I said I was glad of it, and he pulled out 5 s. and three Six-pences; he threw me down three Six-pences and a Shilling. I asked him what became of the Man that he struck last Night; he asked me what Man, I told him the Man in *Chelsea-Fields*. I told him he did not think I followed him, but I did. When he found that I knew of it he could not deny it; says he, he struck me again, and went away, and I saw no more of him; he went out and said he did not know whether he should come Home that Night. About twelve o'Clock I heard that a Man was murdered in *Chelsea-Fields*, and then it came fresh into my Mind, that was the Man that I saw him strike. I met some of his Friends the same Day, and they said they wondered I should suffer him to pawn my Cloaths to buy him a Watch; they said they saw him with a Silver Watch: Then I thought they had killed the Man, but I was willing to conceal it as long as I could, as I had a Love for him; but hearing some Persons were taken up, and put into the *Gatehouse* for this Fact, I was under a great deal of Concern, that innocent Persons should suffer for a Crime they were not guilty of. I went to Justice *De Veil*, and made an Information, and took them both out of their Beds together.—It was a Moon-Light Night.—Mr *Bass* saw you with the Watch in your Pocket.—I am sure he had the Watch.

Torbett. I am married to her, and have a Certificate.

Q. Was you ever married to this Man?

Quale. I was a little fuddled one Night, and came to the Fleet.—There were some Words said, but we were not married. I have seen a great many Weddings, and there was a great many Words at them; we had very few Words, hardly any at all.—There was a Man there,—he appeared very little like a Clergyman.—There was no Ring,—the Clergyman had little or no Money. ———

Q. So the Clergyman could not go on without Money? Did the Clergyman come to these Words, *Wilt thou have this Man?*

Quale. I do not know,——I never was married to him in my Life, nor never went by his Name.—I never saw the Deceased, either before his Death or after.

Alexander

Alexander Read. I found a Wound penetrating the *Thorax* on the left Side, about five Inches deep, which seemed to be done by a Bayonet.

Patrick Owen parted with *Smith*, the Deceased, the 20th of *August*, about half an Hour after eight, he had two Dogs with him, his Watch and some Money; the Body lay in the Field next to where the Bloody-Bridge is,

Quale. He was murdered in the Field where he was found; I am positive of it,—it was the Field next to the bloody Bridge.

Caleb Eeles. I keep a Cellar in the *Strand*; *Quale* one Night came into our House, and seeing *Torbett* with another Woman, charged him with Misbehaviour to her; angry Words passed, and she struck him with a Pot over his Head; said, she could not correct his Manners, and was very willing to leave him. *Torbett* said he would go with the Prisoner, *Peirce*, if he was sure to go to the Devil, rather than go with her.

Joseph Limbrey. The Evidence's Name is not *Quale*, her Name is *Ann Cokely*; but she goes by a great many Names. I have been in Company with her.—I am bashful coming into such a Place as this; I am quite bashful. I have not the Impudence a great many have.—I have heard her say, I do not value hanging no more than a Pint of Beer,—not hanging of him; she said she did not value hanging. She has been a vile Person, and bears a very bad Character; she is a notorious Thief, and I believe would not value taking any Body's Life away.

Several Persons appeared for *Torbett* and *Peirce*, who gave them the Characters of honest Persons, and never knew any Ill of them. Both Acquitted.

They were a second Time indicted, for assaulting *Patrick Smith*, putting him in Fear, and taking from him a Silver Watch, val. 40 s. and ten Pounds in Money, *August* 20.

Widow Smith. I have no Evidence to give, with Respect to the Robbery. Acquitted.

138. *Frances Farrel* was indicted for stealing a Looking-Glass and a Linnen Sheet, the Property of *James Hunt*, *Sept.* 23.

Sarah Hunt. She said she pawned the Glass, and owned before Justice *Manley* that she had the Things. Guilty 10 d.

139. *Mary Freeman* was indicted for stealing 11 Yards of Ribbon, the Goods of *John Sage*.

Henry Deane. *Sept.* 29, the Prisoner came into my Master's Shop, and took this Ribbon; I saw she had it before she went out of the Shop; I let her go out of the Shop, and fetched her back, and she gave me the Ribbon again.

George Greenhill Jones. —I saw Mr *Deane* bring her back, and saw her throw the Ribbon down upon the Counter.

Abbot, Brunskill, Forsyth and *Carter* gave her the Character of an honest Woman. Guilty 10 d.

140, 141. *Bartholomew Harper* and *Richard West*, of *Stannwell*, were indicted for stealing four Sheep Skins, value 7 s. the Goods of *Henry Bullock*, *Oct.* 9. Guilty 10 d.

142: *Jane Barber*, of *St Botolph's, Bishopsgate*, was indicted for assaulting *John Crolee* on the King's Highway, putting him in Fear, and taking from him a Silver Watch, value 40 s. and 2 s. in Money.

John Crolee. *Sept.* 4, about 7 o'Clock in the Evening, at the End of *Houndsditch*, the Prisoner asked me to give her a Dram; she had two or three more Creatures with her: Thinks I, I had better give this Creature a Dram, than be troubled with her. We went into *Magpye-Alley*: As soon as the Dram was called for, I paid for it, came away, and left her, and went down *Devonshire-street*; there she stopt me again: When I came into *Sandwich-Court*, she seized me round the Neck, and hugged me, and at that Time picked my Pocket of two Shillings and some Half-pence, and she demanded the Watch out of my Hand: I told her she should not have it, for it was not mine: Says I, Madam, you will not have the Watch, by G—d: But, by G—d, says she, I will. She caught hold of the Watch, snatched it from me, broke a strong Cat-gut, and I fell backwards upon my A—e. I went back to the House where I had the Dram, the Man goes by the Name of *Old Dad*, and told him; he said, he knew nothing of it, it was nothing to him. I stood in the Street till twelve o'Clock, and by the Help of Mr *Stout*, she was taken up. I am sure the Prisoner is the Person.

William Stout. I saw the Prosecutor in the Street about twelve o'Clock: He told me he had lost his Watch, and by several Circumstances I thought it was the Prisoner that had it: We went to *Old Dad Welch*, and he asked him, if he could help him to a Guinea, at last he said half a Guinea, to help him to his Watch. The Prosecutor said, he could not. We took him up, carried him to the Watch-house, and afterwards to the Compter. The Prisoner has said since, she wished she had not returned the Watch.

Prisoner. It is only Spight in this *William Stout*, for he is as likely to take it as any Body; and that Man (the Prosecutor) does not know who to swear it to, any more than the Child in his Mother's Womb. He was very much in Liquor.

Han.

Han. Welch. He charged *Nan Brown* with it : This Man was asleep upon a Stall three Hours.— I never saw him to know his Face.

2. How then can you tell that he was the Man that was asleep upon the Bulk ?

Welch. Only by the Cloaths he had on.

Mary Stout. This Prosecution is all out of Malice.

Anne Thomas gave her the Character of a very honest Girl.

Han. Welch, jun. I was coming down *Sandwich-Court* between six and seven o'Clock on *Saturday Night*, about five Weeks ago, and met the Gentleman who accuses this Woman with this Robbery, and he would have used me barbarously, if it had not been for a Man that was coming along.—You are the Man ; you had a light-coloured Coat on, and a Sort of an Apron ; I will take my Oath of it.—He took hold of me, and called me very unhandsome Names, and said, I had robbed him of his Watch. He slapped my Face, and gave me 2 or 3 unhandsome Kicks.

Mary Glode confirmed the Evidence of the last Witness, and said he would have used her so, if she had not got away.

Guilty of the *Felony*, acquitted of the *Putting in Fear*.

143. *Anne Measham* was indicted for stealing a Purse, value 6 d. a Seal, value 1 s. one Piece of Gold, value 5 s 9 d. and seventy Guineas, the Property of *Bryan Mathews*,—privately from his Person, *Sept. 28*.

Bryan Mathews. *Sept. 28*, as I was coming along on this Side of *Ludgate*, a Woman called to me, and took me into the Prisoner's House, in a back Alley, to drink a Dram, and they dramm'd me till I was quite drunk ; and I was turned out about five o'Clock in the Morning.—I went in about five or six at Night. I was a little merry when I went in, but not drunk : I was pretty sensible when I came into the Street, and in about an Hour afterwards I missed my Money. I suppose I was fast asleep when they robbed me, or I should not have suffered them to do it.

Measham. Let him look at my Face, and see if he ever saw me in his Life.

Mathews. I am sure she is the very Woman who sold the Drams.

John Gardiner, Constable. I was going my Rounds with my Watchmen about one o'Clock, and going down *Vandelow's-Alley*, it is on *Ludgate-hill*, one Part comes to *Fleet-ditch*. I saw the Prisoner lie upon the Ground, so drunk that she could not stand : Being informed she had dropped some Money, I asked her if it was her's ; she

owned that she had dropped thirty Guineas, and two half Guineas, and some small Matters besides : She said it was her Money, and made a Demand of it. Says I, it is necessary, as you keep a disorderly House, to go before a Magistrate, to know how you came by this Money. I had her before Alderman *Arnold*,—it was *Michaelmas-Day* : She was in several Stories, so he committed her to the Compter : By his Direction I advertised it, and the next Day *Bryan Mathews* came to me, and said he had lost 71 Guineas, &c.

—— *Thomas.* About half an Hour after one o'Clock, I saw a Coach stop ; and as she was coming out of the Coach, I saw the Money drop from the Prisoner at the Bar.—*Holdway*, the Porter, took it up : I followed him to *Water-Lane, Black-Fryars*, and saw the Purse there afterwards.

—— *Holdway.* I saw this Woman and another, drunk in a Coach, and as they were taking her out, I saw this Money, Purse and Seal, drop down from the Prisoner at the Bar, and I took it up immediately : There are thirty Guineas, two half Guineas, eight Shillings, and Eight-pence Half-penny.

Mathews. This is my Purse, and this is my Seal. I lost seventy-one Guineas, a quarter Carolus, and a Seal. Guilty of the *Felony*.

The Trials being over, the Court proceeded to give Judgment as follows.

Received Sentence of Death, 5.

Richard Arnold *William Bird* *Thomas Homan.*
Robert Bird *William Dixon*

Burnt in the Hand, 1.

Mary Vearpoint.

Whipt, 3.

William Budge *Mary Freeman* *George Fuller.*

Transportation for 7 Years, 12.

Jane Barber *Barthol. Harper* *Anne Measham*
Daniel Brighton *John Heaney* *Marg. Robinson*
Thomas Dutton *Hannah Hobson* *Jane Russel*
Frances Farrel *Robert Logan* *Richard West.*

Transportation for 14 Years, 1.

Isabella Brown.

The next ensuing Sessions to begin,

On *Monday, December 6*, at *Hicks's-Hall*.

On *Monday, December 6*, at *Guild-Hall*.

On *Wednesday, December 8*, at the *Old-Bailey*.

GEORGE HEATHCOTE, Esq; Lord Mayor.

G O D save the K I N G.

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